

TAB 13

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 IN AND FOR THE DISTRICT OF DELAWARE 3 MONA DOBRICH and MARCO : Case No. 15-120 4 DOBRICH, Individually and : 5 as parents and next friend : 6 of ALEXANDER DOBRICH, : 7 SAMANTHA DOBRICH, JANE DOE : 8 and JOHN DOE, Individually : 9 and as parents and next : 10 friend of JORDAN DOE and : 11 JAMIE DOE, : 12 Plaintiffs, : 13 v. : 14 INDIAN RIVER SCHOOL : 15 DISTRICT, et al. : 16 Defendants. : 17 Video Deposition of DONNA MITCHELL, taken 18 pursuant to notice, on Monday, October 16, 2006 19 at 9:15 a.m. at 31 Hosier Street, Selbyville, 20 Delaware, reported by Lorena J. Harthnett, a Registered 21 Professional Reporter and Notary Public. 22 APPEARANCES: " " 23 THOMAS ALLINGHAM, ESQUIRE 24 RICHARD HORVATH, ESQUIRE Skadden, Arps, Slate, Meagher & Flom One Rodney Square Wilmington, DE 19801 Attorneys for the Plaintiff WILCOX & FETZER 1330 King Street - Wilmington, DE 19801 (302) 655-0477 www.wilfet.com</p> <p>1</p>	<p>1 2 3 TABLE OF CONTENTS 4 TESTIMONY OF DONNA MITCHELL: 5 Direct Examination by Mr. Allingham. 4 6 Certificate of Reporter171 7 8 INDEX TO EXHIBITS 9 Plaintiff's Exhibit 55 67 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>3</p>
<p>1 2 APPEARANCES (CONTINUED): 3 JASON P. GOSSELIN, ESQUIRE 4 Drinker, Biddle & Reath, LLP 5 One Logan Square 6 18th and Cherry Streets 7 Philadelphia, PA 19103-6996 8 Attorney for the Defendants 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>2</p>	<p>1 (The videographer read the 2 introduction, and the attorneys introduced 3 themselves.) 4 DONNA MITCHELL, 5 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS 6 DIRECT EXAMINATION ON BEHALF OF THE PLAIN 7 BY MR. ALLINGHAM: 8 Q. Good morning, Mrs. Mitchell. My name is Tom 9 Allingham. I represent the plaintiffs. Have you ever 10 been deposed before? 11 A. No. 12 Q. I am sure Mr. Gosselin or someone has 13 explained the process to you, but I will, just 14 briefly, I will ask you questions. 15 You are obligated to provide answers unless 16 your counsel instructs you not to answer a question. 17 If you don't understand the question that I ask you or 18 if you would like to have it clarified, it's really up 19 to you. You can say, "Could you say that a different 20 way, I don't understand it," whatever is the problem. 21 If you answer the question, I, at least, will 22 understand that you understood what you were 23 answering, and I think it's likely that the judge and 24 the jury will understand that, as well, so be sure</p> <p>4</p>

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1 Q. Some might be intimidated?
 2 A. Some might.
 3 Q. Some might not?
 4 A. That's right.
 5 Q. A couple of practical questions on the
 6 rotation in paragraph two. Is it correct that the way
 7 this rotation is set up, that unless all ten board
 8 members choose not to exercise the opportunity, every
 9 board meeting will be opened with a prayer or a momen
 10 of silence?
 11 A. Would you repeat that?
 12 Q. I am going do repeat it in a minute, but
 13 let's just look at paragraph two first. You will see
 14 that "if the member," and this is the second sentence
 15 of the rotation, this is the mechanism of the
 16 procedure. "If the member chooses not to exercise
 17 this opportunity, the next member in rotation shall
 18 have the opportunity."
 19 And I presume that if that person declined
 20 that it would go to the next member in the rotation;
 21 right?
 22 A. Right.
 23 Q. So is it correct that the way this is set up,
 24 that unless all ten members choose not to exercise the

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1 opportunity, the board will open its meeting with a
 2 prayer or a moment of silence?
 3 A. Yes.
 4 Q. Okay. This follows up on the testimony you
 5 gave me that if the board members changed the policy
 6 to provide for the offering of prayer for guidance
 7 outside of the formal meeting, they would be voted out
 8 of office.
 9 Do you believe that anyone could be elected
 10 to the Board of Education of the Indian River School
 11 District who publicly opposed opening the school board
 12 meetings with a prayer?
 13 A. I suppose it's possible. I don't know.
 14 Q. We all frequently say things like "All things
 15 are possible." Do you think it's likely that anyone
 16 could be elected to the board who publicly opposed
 17 school board prayer?
 18 A. I can only speak for the people in my
 19 district and the people in the community that I know.
 20 Q. Yes, ma'am.
 21 A. They would not be.
 22 Q. Have you ever heard any candidate for the
 23 school board, whether successful or unsuccessful,
 24 campaign on the proposition that a vote for them was a

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1 vote for prayer and against the ACLU?
 2 A. Have I ever heard it or read it?
 3 Q. Yes.
 4 A. I don't know that I have read it. I know
 5 that when school board members are interviewed, wher
 6 they are going through the process of running for an
 7 election, they are asked questions about where they
 8 stand on issues, and I have heard two that have been
 9 supportive, since I have been on there, of the prayer.
 10 Q. Who are they?
 11 A. Charlie Bireley and Nina Lou Bunting.
 12 Q. And did you hear them say in a public setting
 13 in words or substance, "A vote for me is a vote for
 14 school board prayer."?
 15 A. In a what kind of setting?
 16 Q. In a public setting?
 17 A. No.
 18 Q. Have you heard either of them say that in a
 19 private setting?
 20 A. No.
 21 Q. Have you heard any candidate for a seat on
 22 the school board say, "A vote for me is a vote against
 23 the ACLU."?
 24 A. I haven't heard that, no.

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1 Q. Or that, or any candidate campaign on the
 2 notion that the candidate will stand up to the ACLU?
 3 A. I can't point to a specific time that I have
 4 read or actually heard that. The ACLU is not popular
 5 in this area. That's just a given.
 6 Q. Why is it a given?
 7 A. Well, I think many of the people in the
 8 community feel that the ACLU oftentimes stands for
 9 things that go against traditional values that they
 10 hold dear, and that troubles them and worries them.
 11 Q. What do you mean by traditional values that
 12 they hold dear?
 13 A. Like the prayer issue.
 14 Q. The prayer issue being school board prayer or
 15 prayer in schools generally?
 16 A. Prayer issue in general, I believe, including
 17 the school board prayer.
 18 Q. Do you understand that this lawsuit is being
 19 prosecuted by the ACLU?
 20 A. Yes.
 21 Q. And do your constituents view the ACLU as
 22 anti-Christian?
 23 A. I believe most of them do, yes.
 24 Q. Do you view the ACLU as anti-Christian?

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1 A. I don't know enough about it to make that
2 determination. I do feel some concern.
3 Q. Do the constituents in your district share
4 your view that this lawsuit is being prosecuted by the
5 ACLU?
6 A. I believe they do.
7 Q. And I think this is the communicative
8 property word. Is it, therefore, the case that your
9 constituents view the defense of this lawsuit as
10 promoting Christian values against the ACLU?
11 A. Would you ask that again?
12 Q. Do your constituents view the defense of this
13 lawsuit by the board and the district, the defense of
14 this lawsuit has a defensive Christian values against
15 the ACLU?
16 A. I believe many of them do.
17 Q. Do you feel that way?
18 A. I am not sure.
19 Q. What's the cause of your uncertainty?
20 A. I am just not sure. I believe the ACLU has
21 good intentions and they believe in what they are
22 doing, but I don't happen to agree with them on this
23 point. I am not sure to what extent. They do go
24 against the values that I hold dear.

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1 Q. In any case, in your defense of this lawsuit
2 do you believe that you are defending Christian
3 values, setting the ACLU aside?
4 MR. GOSSELIN: Objection.
5 A. I believe that in this lawsuit I am defending
6 our right to do something which is legal, and it just
7 happens to at this point be prayer before school board
8 meetings.
9 Q. Alright, so let me parse that. The subject
10 matter of your defense happens to be something that
11 represents Christian values, but you would defend your
12 practice, as long as it's legal, whether it
13 represented Christian values or not?
14 A. Yes.
15 Q. Is that what you are saying?
16 A. Yes, uh-huh.
17 Q. Okay. So that the answer to my earlier
18 question is yes, you do view the defense of this
19 lawsuit as a defense of Christian values, but that's
20 coincidental?
21 A. Yes.
22 Q. Is it your belief, Mrs. Mitchell, that a
23 school board member has a First Amendment freedom
24 speech right to say whatever he or she wants?

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1 MR. GOSSELIN: Objection.
2 A. Would you repeat that?
3 Q. Is it your view that a school board member
4 has a First Amendment freedom of speech right to say
5 whatever he or she wants?
6 A. That depends on where it is and what it's
7 about. I believe we all have to have some restraints
8 in some of the areas that we are in.
9 Q. Okay. Can we agree that private citizens
10 have the right under our constitution to worship as
11 they see fit?
12 A. Yes.
13 Q. And do you think there is any difference or
14 limitation on that right that flows from an
15 individual's service as a school board member?
16 A. I feel more responsibility as a school board
17 member.
18 Q. And why is that?
19 A. Because I am representing other people.
20 Q. And --
21 A. And I have taken an oath to my office to
22 abide by the rules that I am given.
23 Q. And does that responsibility impose any
24 restrictions or limitations on how you can exercise

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1 your religion while wearing your hat as a school board
2 member?
3 A. Well, I wouldn't proselytize.
4 Q. Whereas as a private citizen you could?
5 A. I may.
6 Q. Any other restrictions?
7 A. I would have to think about that. I really
8 can't think of anything in particular right now. I
9 just feel the responsibility of the office, where I
10 would not have that if I were just a private citizen
11 attending school board meetings. I am more sensitive
12 to others, how they may perceive things.
13 Q. And that sensitivity to perception, do you
14 feel that sensitivity because as a school board member
15 you are serving as a representative government
16 official?
17 A. Yes.
18 Q. The answer to this may be no, but do you have
19 a view, yourself, as to whether your colleagues on the
20 board share that view, that sensitivity that flows
21 from their service as government officials?
22 A. I can't answer for them.
23 MR. ALLINGHAM: Alright, let's go off
24 the record for a minute.

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TAB 14

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF DELAWARE

3
4 MONA DOBRICH and MARCO)
DOBRICH, Individually and)
5 as parents and next friend)
of ALEXANDER DOBRICH,)
6 SAMANTHA DOBRICH, JANE DOE)
and JOHN DOE, Individually)
7 and as parents and next)
friend of JORDAN DOE and)
8 JAMIE DOE,)

9 Plaintiffs,)
10 v.) Civil Action
No. 05-120 (JJF)

11 INDIAN RIVER SCHOOL,)
12 DISTRICT, et al.,)
Defendants.)

13 Videotaped Deposition of HARVEY L. WALLS,
14 taken pursuant to notice at 31 Hosier Street,
15 Selbyville, Delaware, beginning at 1:30 p.m., on
Wednesday, October 25, 2006, before Terry Barabano
16 Burke, RMR-CRR and Notary Public.

17 APPEARANCES:
18 THOMAS ALLINGHAM, ESQUIRE
19 BRIAN LENHARD, ESQUIRE
One Rodney Square
Wilmington, Delaware 19801
20 For the Plaintiff

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22 1330 King Street - Wilmington, Delaware 19801
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24

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1 MR. SHAU: I'm Jarrod Shau and I
2 represent the defendants in this action.

3 HARVEY L. WALLS,
4 the deponent herein, having first been
5 duly sworn on oath, was examined and
6 testified as follows:

7 BY MR. ALLINGHAM:

8 Q. Have you ever been deposed before, Mr. Walls?

9 A. Yes.

10 Q. When?

11 A. I'm not sure of the date. Somewhere around
12 the late 90's for a district staff employee that had
13 sued the district.

14 Q. I am going to ask you some questions. Please
15 tell me if you don't understand the question or if you
16 think it's ambiguous.

17 If you answer the question, I will
18 assume, and I think the judge and the jury will assume,
19 that you understood it. So let me know and I'll try to
20 fix the question if you have a problem.

21 You have to answer out loud yes or no,
22 not uh-huh or uh-uh.

23 And lastly, I freely confess that I tend
24 to interrupt people. I'll try not to do that. You

3

1 APPEARANCES (cont'd):
2 JARROD SHAU, ESQUIRE
Drinker, Biddle & Reath, LLP
3 One Logan Square
18th and Cherry Streets
4 Philadelphia, Pennsylvania 19103-6996
For the Defendants

5 ALSO PRESENT:

6 TIMOTHY KEARNS
7 MARK BUCKMASTER, Video Specialist

8 VIDEO SPECIALIST: This is the videotape
9 deposition of Harvey L. Walls, taken by the plaintiff
10 in the matter of Dobrich, et al., versus Indian River
11 School District et al., Civil Action No. 05-120, held
12 at 31 Hosier Street in Selbyville, Delaware, on
13 October 25th, 2006, at approximately 1:32 p.m.

14 The court reporter is Terry Burke from
15 the firm of Wilcox & Fetzer. My name is Mark
16 Buckmaster, a video specialist with Discovery Video
17 Services, Incorporated, in association with Wilcox &
18 Fetzer.

19 Counsel will now introduce themselves and
20 the reporter will swear in the witness.

21 MR. ALLINGHAM: I'm Tom Allingham. I
22 represent the plaintiffs, and along with me are Tim
23 Kearns and Brian Lenhard.
24

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1 should try not to interrupt me or assume that you know
2 that what the answer to my question is, because the
3 court reporter can't take down both of us at once;
4 okay?

5 Do you know who the Doe family are?

6 A. No.

7 Q. Has anyone ever told you that they know who
8 the Doe family are?

9 A. Not to my knowledge.

10 Q. Have you spoken with anyone who has already
11 given their deposition in this matter?

12 A. I have spoken to Dr. Hattier and Mrs. Bunting.

13 Q. When did you speak to Dr. Hattier?

14 A. Oh, probably a week or two ago.

15 Q. And what was the substance of your
16 conversation, what did he say?

17 A. Just basically that it went quite a long time.

18 Q. Anything else?

19 A. We talked about, a little bit about the type
20 of stuff you might be covering or asking or something,
21 but exactly what I couldn't tell you.

22 Q. Do you recall that Dr. Hattier told you any
23 questions that he was asked?

24 A. No. He told me that you and him got into some

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1 A. No.
 2 Q. Okay.
 3 So to come back to my earlier question,
 4 the change from "in order to solemnify its proceedings"
 5 to "in order to solemnify school board proceedings,"
 6 can we agree that's a non-substantive change?
 7 A. I think it's a substantive change.
 8 Q. Did you think that "its" -- sorry. You
 9 understood "its" in your draft to be different
 10 from "school board"?
 11 A. I understand where it says "it is the
 12 policy" --
 13 Q. No, sir. I'm just looking at the first
 14 clause. Just the "in order to solemnify its
 15 proceedings," "in order to solemnify school board
 16 proceedings," that's not a substantive difference,
 17 correct, that first clause?
 18 A. That's correct.
 19 Q. Okay. We have spoken about the change from
 20 "it is the policy of the board" to "the board of
 21 education may choose," and you've described that in the
 22 one you viewed that as requiring a board to open its
 23 meetings with a prayer, whereas in the draft that you
 24 created it was the board of education may, but doesn't

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1 have to; correct?
 2 A. Right.
 3 Q. The second paragraph, there is a, I think, a
 4 minor change, but let's just confirm that it is a minor
 5 change. The Neuberger draft says, "On a rotating
 6 basis, one individual adult board member per meeting
 7 will be given the opportunity to offer a prayer or
 8 moment of silence," and in your draft, there is a
 9 change to, "to offer a prayer or request a moment of
 10 silence."
 11 Do you see the difference?
 12 A. Yes.
 13 Q. And am I right that that's not a substantive
 14 change, you just thought that you were drafting it more
 15 clearly by saying "request a moment of silence"?
 16 A. That's correct.
 17 Q. In the third paragraph, would you agree with
 18 me there are no changes from the Neuberger draft to
 19 your draft?
 20 A. Yes.
 21 Q. The fourth paragraph there is a very modest, I
 22 think a very modest change in the first sentence. The
 23 Neuberger draft reads, "Such prayer is voluntary and it
 24 is just among the adult members of the board." Your

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1 draft reads, "Such prayer is voluntary and it is among
 2 only the adult members of the board."
 3 That's not a substantive change, you
 4 just thought your draft was clearer; correct?
 5 A. Correct.
 6 Q. And can we agree that the second sentence of
 7 the fourth paragraph is unchanged from Mr. Neuberger's
 8 draft?
 9 A. Yes.
 10 Q. And the fifth paragraph is unchanged from the
 11 Neuberger draft; is that right?
 12 A. Correct.
 13 Q. Okay.
 14 Now, I take from the fact that you made
 15 changes in the draft, including ones what you viewed as
 16 a substantive change in the draft, that you read and
 17 carefully considered Mr. Neuberger's draft?
 18 A. Yes.
 19 Q. Paragraph 1 of the draft appears to specify
 20 what the purpose of the prayer or a moment of silence
 21 is in that it says, "In order to solemnify its
 22 proceedings, the board of education may choose to open
 23 its meetings with a prayer or moment of silence."
 24 Would you agree with me that the policy

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1 sets forth the purpose of the prayer or moment of
 2 silence offered by the board member, which is to
 3 solemnify its proceedings?
 4 A. Yes.
 5 Q. When you voted to adopt this policy, what did
 6 you understand the phrase "to solemnify its
 7 proceedings" meant?
 8 A. Just to impress upon the importance of a
 9 regular meeting, just to ask for guidance in making the
 10 proper decisions.
 11 Q. I understand that to be two separate goals,
 12 one to impress on the board members that they needed
 13 take their responsibility seriously in the meeting that
 14 was coming up; is that right?
 15 A. Uh-huh.
 16 Q. And the second one was to seek divine guidance
 17 for the decisions that would be made; is that correct?
 18 A. Yes.
 19 Q. Do you know whether the board prayer policy
 20 was ever discussed at a policy committee meeting?
 21 A. I don't believe it was. Other than to ask for
 22 its proper format from the other policy members. Me as
 23 a board member, I don't know just exactly what letter
 24 to assign. That's the format I'm saying. I mean the

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1 THE WITNESS: I don't know.
 2 MR. SHAU: You can answer as to whether
 3 or not the attorneys reviewed it. I'm going to
 4 instruct the witness not answer as to whether or not
 5 they approved the policy BDA.1.
 6 BY MR. ALLINGHAM:
 7 Q. Let me break it into two questions.
 8 A. I don't know if they reviewed it or not.
 9 Q. Was it your practice as chairman of the policy
 10 committee to have the board's attorneys review policies
 11 before they were proposed for adoption?
 12 A. Not all policies.
 13 Q. How did you decide which policies to have the
 14 board attorneys review?
 15 A. A lot of times I left that decision to the
 16 administrators.
 17 Q. The administrators being the superintendent
 18 and the assistant superintendent?
 19 A. Well, the superintendent wasn't on the policy
 20 committee, but the assistant superintendent was.
 21 Q. I have reviewed the minutes and audiotapes of
 22 the meetings since October 19th, 2004, and it appears
 23 to me that you did not offer a prayer during the period
 24 from October 2004 until you left the board; is that

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1 correct?
 2 A. Me personally?
 3 Q. Yes.
 4 A. No, I think I did.
 5 Q. You're absolutely right. And you offered a
 6 prayer that was taken from a speech or a sermon by
 7 Martin Luther King?
 8 A. That's correct.
 9 Q. How did you find that?
 10 A. I don't know. It was a historical prayer. I
 11 can't remember just exactly the context of it.
 12 Q. Why did you choose a prayer by Martin Luther
 13 King?
 14 A. No reason.
 15 Q. There can't be no reason.
 16 A. I don't remember.
 17 Q. Do you recall if you said at the meeting
 18 before you gave the prayer that it was a prayer from
 19 Martin Luther King?
 20 A. I don't recall. I could have.
 21 Q. Did you get the prayer from Dr. Hattier?
 22 A. I don't know where I got the prayer from.
 23 Q. Did you know before the August 24th board
 24 meeting that it was going to be well attended?

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1 A. I had that feeling.
 2 Q. How did you get that feeling?
 3 A. Well, this is Sussex County. When things get
 4 stirred up pretty much --
 5 Q. You hear about it?
 6 A. You hear it.
 7 Q. Would you agree that news can travel just as
 8 effectively by word of mouth in Sussex County as by
 9 other media?
 10 A. I would agree to that.
 11 Q. When you arrived -- before the meeting, did
 12 you know that there would be overflow, an overflow room
 13 set up with a video feed?
 14 A. I probably did know that.
 15 Q. Did Mrs. --
 16 A. I think Mrs. Hobbs may have briefed me that
 17 afternoon.
 18 Q. Was it your practice to meet with the
 19 superintendent in the afternoon before a board meeting
 20 A. No.
 21 Q. When you walked into the board meeting at
 22 Frankford Elementary on August 24th, what do you reca
 23 about the atmosphere?
 24 A. Kind of tense. But it seemed to be, you know,

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1 under control.
 2 Q. One of your colleagues has testified that it
 3 seemed to be emotionally charged. Would you agree w
 4 that?
 5 A. I would agree with that.
 6 Q. Were people carrying signs in the audience?
 7 A. They could have been. I don't remember.
 8 Q. You don't remember.
 9 On occasion were there outbursts from
 10 the crowd in the audience?
 11 A. There were, I think, a couple people yelling
 12 out or whatever. I can remember banging the gavel and
 13 asking people to be respectful of one another.
 14 Q. That's what I was going to ask you. You were
 15 in charge of keeping order at the meeting; correct?
 16 A. Yes.
 17 Q. And from time to time did you have to bang the
 18 gavel in order to get order?
 19 A. Yes, I think I did.
 20 Q. During the public comment section of the
 21 meeting, did you consider the tone of the comments
 22 respectful and courteous?
 23 A. Most of them.
 24 Q. Did you find some of the comments

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1 A. Yes, I heard it.
 2 Q. And did you find that disturbing as you
 3 watched it, that people would be laughing at a
 4 description of somebody disappearing?
 5 A. Yes. But I don't believe you saw me laughing
 6 on there.
 7 Q. I don't think I did.
 8 Was it your voice at the beginning of
 9 the segment that I played for you that said something
 10 along the lines of, "Sorry, Harold, I was going to say
 11 Earl"?
 12 A. It could have been. And I don't know why I
 13 would have said that.
 14 Q. Do you recall that the August 24th meeting was
 15 opened with a prayer?
 16 A. Yes.
 17 Q. You invited Dr. Hattier to give that prayer --
 18 A. That's correct.
 19 Q. -- correct?
 20 A. Correct.
 21 Q. Did you know what prayer he was going to give?
 22 A. I did.
 23 Q. How did you find out what prayer he was going
 24 to give?

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1 A. He told me ahead of time when I asked him to
 2 give the prayer. He told me it would be one by George
 3 Washington.
 4 Q. Do you know whether Dr. Hattier told anyone
 5 else what prayer he was going to give?
 6 A. I don't know that.
 7 Q. Did you tell anyone else what prayer
 8 Dr. Hattier was going to give?
 9 A. I don't know if I did or not.
 10 Q. Do you recall that state representatives spoke
 11 at the meeting?
 12 A. Yes, there were three.
 13 Q. Do you recall that they read a letter?
 14 A. Yes.
 15 Q. Do you recall that the letter indicated
 16 knowledge of the prayer that Dr. Hattier was going to
 17 give?
 18 A. I don't recall that.
 19 Q. Have you ever served as a member of any other
 20 public body than the Indian River School Board?
 21 A. Yes.
 22 Q. What bodies?
 23 A. The Georgetown Jaycees, Sussex Central Pop
 24 Warner Football. I was president of that for two

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1 years. Something else too.
 2 I have been a coach in Little League
 3 baseball and Little League wrestling and football.
 4 Oh, American Legion, I'm a member of
 5 that too.
 6 Q. I should have asked you this at the beginning
 7 of the deposition. Are you employed?
 8 A. Yes.
 9 Q. And what is your position?
 10 A. I'm a crematory manager at Parsell Funeral
 11 Homes.
 12 Q. And is that in Georgetown?
 13 A. That's one of them. It has four branches.
 14 Q. And have you had -- did you have that job
 15 throughout your tenure as a school board member?
 16 A. No.
 17 Q. What did you do?
 18 A. I worked at E.I. du Pont in Seaford until
 19 2001.
 20 Q. And that's when you took the job --
 21 A. Yes. I retired from DuPont and took the job
 22 with the funeral home.
 23 Q. Thank you.
 24 Were you surprised at the amount of

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1 attention that the school board prayer issue got?
 2 A. Yes.
 3 Q. Do you think that it attracted more attention
 4 than it deserved among all the issues presented to the
 5 school board?
 6 A. Oh, definitely.
 7 Q. I am going to ask you some questions about why
 8 it might have gotten as much attention as it got.
 9 Did you ever hear any constituent say to
 10 you -- and by constituent, I mean student, parent,
 11 resident of the district, fellow board member,
 12 whatever -- did you ever hear any constituent say to
 13 you, in words or substance, that the defense of this
 14 lawsuit was a defense of Christian values?
 15 A. I've heard that said.
 16 Q. And could you tell me who you heard that from?
 17 A. No, I couldn't.
 18 Q. Could you tell me the group of which the
 19 person who said that was a member?
 20 A. No.
 21 MR. ALLINGHAM: All right. We have to
 22 change the tape. Thank you.
 23 VIDEO SPECIALIST: Going off the record
 24 at 3:35 p.m.

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1 (Recess.)
2 VIDEO SPECIALIST: Going back on the
3 record at 3:41 p.m.
4 BY MR. ALLINGHAM:
5 Q. Right before we broke, Mr. Walls, I asked you
6 whether you had heard from anyone that the defense of
7 this lawsuit represented the defense of Christian
8 values, and you said yes. I asked you who said it, and
9 you didn't remember. I asked you from what group, and
10 you didn't remember that either.
11 Is it fair to say that you heard it more
12 than once, however?
13 A. Yes, I'd say that's fair to say.
14 Q. When I asked you questions about the
15 attendance, expected attendance --
16 A. At the big meeting.
17 Q. -- at the August 24th meeting, you told me you
18 knew it was going to be a big meeting, but you really
19 didn't know how, that you just hear things in Sussex
20 County; right, correct?
21 A. Correct.
22 Q. Is it fair to say that it is a widely held
23 view in the Indian River District that the defense of
24 this lawsuit represents a defense of Christian values?

89

1 A. There's a lot of perceptions out there about
2 this lawsuit, I think, and not all of them are correct.
3 Q. That may or may not be true, but it's not
4 100 percent responsive to my question.
5 Would you agree with me that it's a
6 widely held view in the district that the defense of
7 this lawsuit is a defense of Christian values?
8 A. It's probably widely held in this district.
9 Q. You mentioned some potential misperceptions
10 about this lawsuit.
11 A. Uh-huh.
12 Q. Could you tell me what you had in mind when
13 you said that?
14 A. I hear things from time to time or see things,
15 and I wondered where the people are coming from because
16 they act like they know, but I know that they don't.
17 Q. So when you said that, you didn't have any
18 particular misperception in mind?
19 A. No.
20 Q. Is it fair to say that a lot of the comments
21 at the August 24th board meeting reflected a
22 misperception about what the board was considering at
23 that time?
24 A. Yes.

90

1 Q. And is that, was that misperception or did the
2 comments reflect a misperception that the issue was
3 prayer in the schools rather than --
4 A. Yes.
5 Q. -- school board?
6 A. I heard that from several of the speakers.
7 Q. Am I correct that you and the other board
8 members did not try to correct that misperception
9 because the public comment section is meant to be an
10 opportunity for the board to hear from the public and
11 not vice versa?
12 A. Correct.
13 Q. And that's something that the superintendent
14 had urged the board to remember; correct?
15 A. Yes.
16 Q. Do you know whether at any time before or
17 after the adoption of the board prayer policy a member
18 of the public asked for a copy of the proposed policy
19 and was -- and that request was declined?
20 A. I don't remember if somebody specifically
21 asked.
22 Q. You never heard that a person asked for a copy
23 of the policy and was told that if they wanted it, they
24 should file a Freedom of Information Act request?

91

1 A. I don't remember that.
2 Q. That would be contrary to --
3 A. I mean but if this was the draft policy you're
4 talking about?
5 Q. Yes, yes.
6 A. I can't see why someone would want a draft
7 policy.
8 Q. Well --
9 A. And I don't know that the board has ever given
10 out a draft policy before it's actually adopted.
11 Q. What is the purpose of the readings of the
12 policies?
13 A. In case the board has second thoughts or wants
14 to make changes on something, it gives a chance to do
15 that.
16 Q. It is not intended to give the public an
17 opportunity to review and comment on the policies?
18 A. After the first reading, yes, but I'm not
19 giving something out to the public before I give to the
20 board on a first reading.
21 Q. I thought we might be misunderstanding one
22 another.
23 I'm talking about a request made for the
24 proposed policy after the first reading?

92

TAB 15

Wilson, Robert 12/14/2006 1:08:00 PM

FOR THE DISTRICT OF DELAWARE
 MONA DOBRICH and MARCO DOBRICH, Individually and as parents and next friend of ALEXANDER DOBRICH, SAMANTHA DOBRICH, JANE DOE and JOHN DOE, Individually and as parents and next friend of JORDAN DOE and JAMIE DOE,

Plaintiffs,

v.

INDIAN RIVER SCHOOL DISTRICT, et al.,

Defendants.

Videotaped Deposition of ROBERT WILSON, taken pursuant to notice at 31 Hosier Street, Selbyville, Delaware, beginning at 1:08 p.m., on Thursday, December 14, 2006, before Terry Barbano Burke, RMR-CRR and Notary Public.

APPEARANCES:

RICHARD S. HORVATH, JR., ESQUIRE
 BRIAN LENHARD, ESQUIRE
 One Rodney Square
 Wilmington, Delaware 19801
 For the Plaintiff

WILCOX & FETZER
 1330 King Street - Wilmington, Delaware 19801
 (302) 655-0477
 www.wilfet.com

1

1 I am here on behalf of the plaintiffs, along with Brian
 2 Lenhard.

3 MR. SHAU: My name is Jarrod Shau. I'm
 4 here on behalf of the defendants.

5 THE WITNESS: My name is Robert Wilson.

6 ROBERT WILSON,
 7 the deponent herein, having first been
 8 duly sworn on oath, was examined and
 9 testified as follows:

10 BY MR. HORVATH:

11 Q. Mr. Wilson, you are a member of the Indian
 12 River School Board; correct?

13 A. That's right.

14 Q. You have been a member since July 2006?

15 A. That's right.

16 Q. And I am going to show you what has been
 17 marked PX-9. This is a copy of the school board prayer
 18 policy.

19 Since you joined the school board, have
 20 you reviewed this policy?

21 A. Yes.

22 Q. When did you review it?

23 A. Pretty much when I first came on the board.

24 Q. Was this policy given to you in a packet of

3

1 APPEARANCES (cont'd):
 2 JARROD SHAU, ESQUIRE
 3 Drinker, Biddle & Reath, LLP
 4 One Logan Square
 5 18th and Cherry Streets
 6 Philadelphia, Pennsylvania 19103-6996
 7 For the Defendants

8 ALSO PRESENT:

9 Lindsay duPhily, Videographer

10 VIDEO SPECIALIST: This is a videotape
 11 deposition of Mr. Robert Wilson taken by the plaintiff
 12 in the matter of Dobrich, et al. versus Indian River
 13 School District, et al., Civil Action No. 05-120.
 14 This is being held in the Indian River
 15 School District offices, 31 Hosier Boulevard,
 16 Selbyville, Delaware.
 17 We are going on the record on December
 18 14th, 2006, at approximately 1:08 p.m.
 19 The court reporter is Terry Burke from
 20 the firm of Wilcox & Fetzer, Wilmington, Delaware. My
 21 name is Lindsay duPhily and the videotape specialist of
 22 Discovery Video Services.
 23 Counsel will now introduce themselves and
 24 then the court reporter will swear in the witness.
 MR. HORVATH: My name is Richard Horvath.

2

1 other district policies?
 2 A. Pretty much. Well, no. This was actually by
 3 itself.

4 Q. By itself?

5 A. By itself.

6 Q. Who gave it to you?

7 A. I do not recall. I do not recall.

8 Q. Was it given to you at a school board meeting?

9 A. Yes, it was.

10 Q. And it was given to you after you joined the
 11 board as a part of your orientation?

12 A. Yes -- no, not necessarily as an orientation,
 13 but it was given to me after I joined the board.

14 Q. And after you received the policy, did you
 15 discuss with any board members how the board prayer
 16 policy operates?

17 A. No.

18 Q. Have you discussed with any school board
 19 members what prayers would be prohibited under the
 20 policy?

21 A. No.

22 Q. Have you discussed with any school board
 23 members why the board opens its public meetings with
 24 prayer?

4

Wilson, Robert 12/14/2006 1:08:00 PM

1 want. It's just like a Jehovah Witness coming to my
2 house. I listen to what they have to say. I don't
3 agree with it, I'm not rude and I'm not ignorant.

4 The same thing is with other types of
5 religions. I'm very tolerant of other religions. If
6 they want to share that with me. I'm not saying my
7 religion's the only religion. That's not exactly at
8 all what I'm trying to do.

9 That's just my way of being taught,
10 that's my teaching. That's what I believe.

11 An atheist believes there's not a God.
12 That's his belief. That's fine.

13 Q. You said same opportunity. Do you understand
14 that the opportunity we're talking about here is
15 offering a prayer at the start of school board
16 meetings?

17 A. Yes.

18 Q. Are members of the community who are not
19 school board members offered an opportunity to give a
20 prayer at the start of school board meetings?

21 A. No.

22 Q. So they don't have the same opportunity that
23 you have when it comes to offering a prayer at school
24 board meetings?

29

1 you physically when you ask for the intervention?

2 A. Yes, it does. I think when you do it in the
3 public like that, I think it shows that you can come
4 together, and that's one thing that a lot of people
5 have in common. And when we say a prayer at a board
6 meeting, 99 percent of the people do take part.

7 Q. Of the people, you mean the people present?

8 A. Of the people present, they do take part. I
9 have been able to look around at several times and
10 there are people that have heads bowed. We have not
11 had anybody run out in a rave, I guess you would say.
12 It's just a way to publicly come together as a board.

13 Q. Thank you, sir.

14 The board prayer in some way is for the
15 benefit of everyone in attendance?

16 A. That's exactly right.

17 Q. And the public will not benefit from that if
18 the board prayer is outside of the public's presence?

19 A. I don't think it shows the same kind of unity.
20 We want the public to take part in the prayer. That's
21 the whole thing behind the public board meeting. If a
22 person wants to come forward after a meeting and say
23 that there was an issue with that, I can see us
24 changing it, rewording it, working with them, maybe

31

1 A. No.

2 Q. Why is it of the utmost importance to ask and
3 pray for divine guidance from Our Heavenly Father?

4 A. I would say, I have to look at our
5 Constitutional government, our House of Representative
6 opens up with a word of prayer. Why is it important
7 for them to do it? We feel -- I think people on the
8 board feel whether it -- when we pray to God, now
9 understand that a God, when I say God, I'm praying to
10 God, or you're praying to God, you could mean Allah or
11 any other God, but praying to God is praying to God.
12 Do you understand what I mean by that?

13 Q. Unfortunately, sir, I don't feel like you're
14 answering my question. I asked you why is it
15 important?

16 A. It's more of a -- it's just a way, I guess, we
17 communicate through God asking for his divine
18 intervention. Okay, to a God for divine intervention,
19 whether it be my God or another person's God.

20 Q. Do you believe that divine intervention will
21 help you make better decisions?

22 A. Yes, I do.

23 Q. It doesn't matter where you ask for divine
24 intervention, does it? And by where, I mean where are

30

1 even offering them to say a prayer.

2 Q. Do you think that's likely after what happened
3 to the Dobriches?

4 A. Yes, I do.

5 Q. I am going to show you a copy of what's been
6 previously marked as PX-72.

7 It's a copy of the May 3rd, 2006 issue
8 of the Delaware Wave.

9 A. Okay.

10 Q. If you will look on the second page, it's
11 marked P-2439 at the bottom. I think you're already on
12 it.

13 A. Yeah.

14 Q. Were you sent a series of questions for this
15 article?

16 A. Yes, I was.

17 Q. And did one of those questions involve the
18 prayer suit?

19 A. I don't -- let me look here and I'll tell you.
20 It evidently was, yes.

21 Q. You responded to, I guess it's a query, On
22 board's refusal to settle prayer suit, your response
23 was, "I am very proud of this school board and the
24 stand they took. It took a lot of courage to stand

32

TAB 16

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, JUNE 29, 1999 – 7:30 P.M.
NORTH GEORGETOWN ELEMENTARY SCHOOL MULTI-PURPOSE ROOM

MINUTES

CALL TO ORDER

The regular meeting of the Indian River School District Board of Education was called to order by President Richard H. Cohee at 7:30 p.m.

ROLL CALL

Board Members Present: Charles M. Bireley, Richard H. Cohee, John M. Evans, Gregory A. Hastings, Reginald L. Helms, William M. Howlett, (Mrs.) Christine C. Lecates,
Board Member Late: Harvey L. Walls (7:45 p.m.)
Board Members Absent: David W. Devine, (Mrs.) Elaine McCabe

APPROVAL OF AGENDA - Regular and Executive - June 29, 1999

The following items were added to the Regular Agenda:

- V. C. 1. Matt Cohee -- High School Teacher Assistant at Ingram Pond
- VIII. C. School Prayer

It was moved by Mr. Helms, seconded by Mr. Hastings, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (7-0).

APPROVAL OF MINUTES

Board of Education Special Meeting Minutes – May 13, 1999
Board of Education Special Meeting Minutes – May 18, 1999
Board of Education Regular Meeting Minutes – May 24, 1999
Board of Education Special Meeting Minutes – June 10, 1999

It was moved by Mrs. Lecates, seconded by Mr. Howlett, to approve the minutes as recorded. The motion passed unanimously (7-0).

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BOARD OF EDUCATION REGULAR MEETING MINUTES

June 29, 1999

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VISITORS AND STAFF IN ATTENDANCE

Presentation from William Keene, University of Delaware

William Keene from the University of Delaware presented a certificate and gifts to Dr. Susan Bunting as the recipient of the 1999 Outstanding Education Alumni Award.

President Cohee and Mrs. Hobbs recognized and presented certificates to the following for their accomplishments:

Community/School Partnership

Mr. & Mrs. Bruce Dolby – Donation to Phillip Showell

Odyssey of the Mind State Tournament Winners

"Over the Mountain"

Kaitlin Roach	Laura Ford
Kristin Roach	Nick Heim
Erin Harker	Colleen Powell
Katlin Harker	

"O, My Faire Shakespeare"

Adrienne Showell	John Belkot
Josh Fox	Tim Fannin
Rachel Clark	Drew Parsons
Candice Evans	

High School Teacher Assistant at Ingram Pond – Matt Cohee

1999 YELL Excellence Award - Cathy Showell – Advisor

Weldon Bagwell (CM)

Sarah Wolfe (CM)

ASFSA/DSFSA Art Contest Winner

Erica Evans (FE)

Department of Education Mini Grants

Bob Parsons (CM)

Tracy Hudson (FE)

Interagency Program of the Year – Richard Allen Program

Sussex County Interagency Collaborator of the Year – Darlene St.Peter

Board of Education Service Awards

Richard Cohee

David Devine

William Howlett

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BOARD OF EDUCATION REGULAR MEETING MINUTES

June 29, 1999

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OTHER VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Janet Hearn, Susan Bunting Earl Savage, Patrick Miller, Charles Hudson, Greg Weer, Gregg Sutton, Carmen Deldeo, Ivan Neal, Charles Cole, Tim Fannin, Sharon Brittingham, Woody Long, Mike McClure, Christine Wolfe, Cathy Showell, Glenn Showell, Adrienne Showell, Gary Belkot, John Belkot, Raymond Moore, Sr., Kevin Mumford, JoAnn Taylor, Tracy Hudson, Kathy Roach, Tom Evans, Erica Evans, Candice Evans, Josh Fox, Robin Hall, Diane Baker, Maida Graves, Patricia Deptula, Brenda Cohee, William Cohee, Matthew Cohee, Donna Tate, Connie Fannin, Darlene St. Peter

PUBLIC COMMENTS

Maida Graves

Mrs. Graves, SDSA parent, expressed her concerns regarding the new SDSA bussing proposal for the 1999-2000 school year. She suggested that separate bus routes be established for the students attending the Southern Delaware School of the Arts. She asked that the Board help with the funding of these routes.

Patty Deptula

Mrs. Deptula, SDSA parent, also expressed her concerns regarding the new SDSA bussing proposal for the 1999-2000 school year. Separate bus routes were suggested as a solution to her concerns, which would create a safer environment for students.

Deon Baker

Mrs. Baker, SDSA parent, presented her opposition to the new SDSA bussing proposal for the 1999-2000 school year. She also suggested separate bus routes for the SDSA students.

President Cohee asked that Southern Delaware School of the Arts Bussing be placed on next month's agenda for an update.

OLD BUSINESS

School Choice Applications

Mrs. Hobbs explained that there was no School Choice information available this evening.

NEW BUSINESS

Certify Election Results

President Cohee read into the record the results of the Board Elections held on May 8, 1999:

Everett C. Toomey – District No. 3 – Three Year Term
Lewis D. Patterson - District No. 4 – Three Year Term
Reginald L. Helms – District No. 5 – Three Year Term
Mary Elaine McCabe – District No. 5 – Three Year Term

PR 00273

IRSD 0030054

BOARD OF EDUCATION REGULAR MEETING MINUTES

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School Closings/Delayed Openings

Mr. Hastings expressed concern about the notification of parents when we have delayed openings and/or early dismissals. Mrs. Hobbs explained that extra steps were taken to notify parents of the recent early dismissal due to heat. Mr. Weer is researching procedures of other districts. Mrs. Hobbs noted we would work toward improving our procedures to better notify parents of delayed openings and early dismissals.

School Prayer

Mr. Helms asked that the Board consider designating a "Day of Prayer" which would be led by students in our schools. He suggested that the members of the Board think about this for discussion at a future board meeting. Mrs. Hobbs will research this idea and report back to the Board.

COMMITTEE REPORTS

Policy Committee

Mr. Walls reported that our policy regarding diplomas might have to be revised due to proposed laws. He also noted that a sub-committee might need to be established for school choice applications.

Negotiations Committee

Mr. Bireley made a motion, seconded by Mrs. Lecates, to table Negotiations until after Executive Session. The motion passed unanimously (8-0).

IREA Representative

Mrs. Hobbs read a letter from Mr. Kichline since he could not be at this meeting. He thanked board members for their hard work and dedication. He also thanked Mrs. Hobbs for her support. Following are the new officers of the IREA:

President	Lesia Jones
Vice-President	Darlene Johnson
Secretary	Sandra Stevens
Treasurer	Kay Moore

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Mrs. Hobbs noted that students and staff were very busy at the end of the school year. She attended graduations at Howard T. Ennis, Sussex Central High School and Indian River High School. All were wonderful events. Mrs. Hobbs thanked everyone for their extra efforts in bringing the 1998-99 school year to a safe closure.

DSBA Annual Summer Conference - August 11

Mrs. Hobbs asked board members to notify Mrs. Hearn if they are interested in attending the August 11 DSBA Summer Conference.

PR 00274

IRSD 0030055

BOARD OF EDUCATION REGULAR MEETING MINUTES

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Change Date of July 1 Organizational Meeting

It was decided to have the Organizational Meeting at 6:30 p.m. on July 26, 1999 at the Frankford Elementary School.

FINANCIAL

Regular Invoices

It was moved by Mr. Helms, seconded by Mr. Howlett, to approve the payment of Regular Invoices. The motion passed unanimously (8-0).

Financial Summaries

Mr. Miller noted that the Substitute Teachers Cost Center would be overspent. He suggested reviewing this budgetary allocation for the future. He also noted that adjustments have been made to some areas of the Howard T. Ennis budget. This will be reflected in next month's report.

He informed the board that there would be a significant carryover in the maintenance budget. The reason for the carryover is to afford Mr. Weer time to assess the needs in the maintenance department.

Bid No. 36-99-13 Howard T. Ennis Bus

Mr. Miller recommended awarding Bid No. 36-99-13 Howard T. Ennis Bus to Wolfington Body Co. It was moved by Mr. Walls, seconded by Mrs. Lecates, to approve the recommendation to award Bid No. 36-99-13 Howard T. Ennis Bus to Wolfington Body Co. The motion passed unanimously (8-0).

COMMUNICATIONS

Conference Requests (None)

Use of Facilities

Use of Selbyville Middle School Cafeteria by Zoar United Methodist Church - September 18, 1999

Mrs. Hobbs recommended approval of the use of facilities request. It was moved by Mr. Helms, seconded by Mr. Evans, to approve the superintendent's recommendation. The motion passed unanimously (8-0).

Correspondence

Letter from Sharon Bradford

Mrs. Hobbs shared a letter from Ms. Bradford regarding the extended day kindergarten program and maintaining the teachers for that program.

PR 00275

IRSD 0030056

BOARD OF EDUCATION REGULAR MEETING MINUTES

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Letter from Charlotte Hurley

Mrs. Hobbs shared a letter from Charlotte Hurley, a substitute teacher at Indian River High School. Ms. Hurley wrote a letter expressing her appreciation to the staff at Indian River for their support during her tenure as substitute.

Field Trips (None)

STAFF

Personnel Agenda, Personnel Addendum

It was moved by Mr. Helms, seconded by Mr. Hastings, to table the Personnel Agenda and Personnel Addendum until after Executive Session. The motion passed unanimously (8-0).

District Office Task Assignments

It was moved by Mr. Helms, seconded by Mr. Walls, to table District Office Task Assignments until Executive Session. The motion passed unanimously (8-0).

PUBLIC COMMENTS

There were no Public Comments.

EXECUTIVE SESSION

It was moved by Mrs. Lecates, seconded by Mr. Howlett, to go into Executive Session at 9:00 p.m. The motion passed unanimously (8-0).

1. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
2. Strategy Session: To discuss collective bargaining, pending or potential litigation.
3. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
4. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Mr. Howlett, seconded by Mr. Hastings, to reconvene in Regular Session at 10:20 p.m. The motion passed unanimously (8-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda and Personnel Addendum

It was moved by Mr. Helms, seconded by Mrs. Lecates, to approve the Personnel Agenda and Personnel Addendum. The motion passed unanimously (8-0).

PR 00276

IRSD 0030057

BOARD OF EDUCATION REGULAR MEETING MINUTES

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District Office Task Assignments

It was moved by Mr. Bireley, seconded by Mr. Walls, to approve the District Office Task Assignments as presented excluding salary changes. Discussions regarding salary can be held at a later date with adjustments being made if necessary. The motion passed unanimously (8-0).

Authorized Positions

It was moved by Mr. Helms, seconded by Mr. Evans, to approve the recommendation of the Personnel Director regarding the Authorized Positions Postings. The motion passed unanimously (8-0).

STUDENT HEARINGS

Student No. 99-70, Student No. 99-71, Student No. 99-72, Student No. 99-73,
Student No. 99-75, Student No. 99-76, Student No. 99-77, Student No. 99-78,
Student No. 99-79, Student No. 99-80, Student No. 99-81, Student No. 99-82

It was moved by Mr. Walls, seconded by Mrs. Lecates, to approve the recommendations of the Hearing Officers regarding Student Nos. 99-70, 99-71, 99-72, 99-73, 99-75, 99-76, 99-78, 99-79, 99-80, 99-81, and 99-82. The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mr. Evans, Mr. Hastings, Mr. Helms, Mr. Howlett, Mrs. Lecates, Mr. Walls
Abstained: Mr. Cohee

Student No. 99-77

It was moved by Mr. Howlett, seconded by Mrs. Lecates, to modify the recommendation of the Hearing Officer to require that Student No. 99-77 attend the Richard Allen School for the 1999-2000 school year. Mrs. Hobbs explained that a meeting of the IEP team will be necessary to determine the student's placement. The motion and second were withdrawn.

It was moved by Mr. Howlett, seconded by Mrs. Lecates, to deny the recommendation of the Hearing Officer regarding Student No. 99-77. The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mr. Evans, Mr. Hastings, Mr. Helms, Mr. Howlett, Mrs. Lecates, Mr. Walls
Abstained: Mr. Cohee

Negotiations

It was moved by Mrs. Lecates, seconded by Mr. Evans, to approve the increased salary of the Technology Resource Manager as determined by the Board. The motion passed unanimously (8-0).

PR 00277

IRSD 0030058

BOARD OF EDUCATION REGULAR MEETING MINUTES

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ADJOURNMENT

President Cohee adjourned the meeting at 10:30 p.m.

Richard H. Cohee
President
Board of Education
Indian River School District

RHC/LMH:jlh

Respectfully submitted,



(Mrs.) Lois M. Hobbs
Secretary and Superintendent
Board of Education
Indian River School District

PR 00278

IRSD 0030059

**BOARD OF EDUCATION
INDIAN RIVER SCHOOL DISTRICT**

ROLL CALL

DATE: June 29, 1999

BOARD MEMBER	PRESENT	ABSENT	TIME ARRIVED
Charles M. Bireley	✓		
Richard H. Cohee	✓		
David W. Devine		✓	
John M. Evans	✓		
Gregory A. Hastings	✓		
Reginald L. Helms	✓		
William Howlett	✓		
Christine C. Lecates	✓		
Elaine McCabe		✓	
Harvey L. Walls		✓	late 7:45

PR 00279

IRSD 0030060

**INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING**

June 29, 1999

**IN ATTENDANCE
PLEASE PRINT NAME**

Mike McClure	Deanne L. Baker
Christine Wolfe	Maida Brans
Cathy Showell	Patricia L. Deptula
Glenn Showell	Brenda Coley
Arienne Showell	William E. Carnahan
Patricia Showell	Matthew R. Cohen
GARY T. BELKOT	David McElroy
John BELKOT	Donna J. Tate
RAYMOND MOORE, Sr.	Connie Farnen
Kevin B. Mumford	Jim Farnen
JoAnn Taylor	John F. Farnen
Oran Hudson	Ray Moore
Sharon Brittingham	James J. Alder, Jr.
Earl J. Savage	Sharon Brittingham
Greg Wiser	Gregg Sutton
Charles Hudson	Ivan Neal
Kathy Roach	Charles Cole
Tom Evans	Wendy Long
Erica Evans	
Concieve Evans	
John Fox	
John Hall	
Rachel Clark	

PR 00280

IRSD 0030061

TAB 17

May 9, 2008

Sedona

Continued from page 16

Following his two-year stint at Fusion, Stowles was the head chef at Stripper Bites in Lewes for seven years.

"My background is more of this type of cooking," he said of Sedona. "Stripper Bites was a good job and we did a lot of great things there, but I want to get back into running a dinner-only menu and work with some kicked-up food."

With plenty of experience and a unique taste for perfection, Stowles hopes to bring some novel features to Sedona.

"The menu itself is still going to be American cuisine," he assured, "and we'll be working basically with the same products."

One of the first distinctions patrons will discover is the addition of tapas, or miniature dishes, to the menu. Derived from Spanish cultures, tapas are increasingly popular fare in restaurants, especially in the United States and United Kingdom. Rather than ordering a large entree, customers can try a variety of smaller courses, combined to satisfy the palate.

"They have a lot of these in the cities now, with these tapas items," said Parrott. "You can eat anything. Customers can go into places and have small portions of anything they want, from filet mignon to pork chops or seafood, and not fill up on any one thing. It really allows people to try a variety of food without having to pay the high-end price for an entire meal."

Prices for tapas plates can start from \$6 to \$8 and run up to about \$14.

"I'm very excited about working with tapas," said Stowles. "I haven't before, but I've eaten a lot of them. The opportunity for somebody to come in and get three different plates of different kinds of food, instead of one, is a great concept. I think people will enjoy coming in, sitting at the bar and sampling some different tapas with a glass or two of wine, rather than sitting down and

Coastal Point

WARREN'S STATION

Here We Go Again!

Opening for the Season! Friday, May 9th 4:30pm, Saturday, May 10th 8:00am

Serving Mother's Day 12:00pm - 9:00pm

Great Service, Great

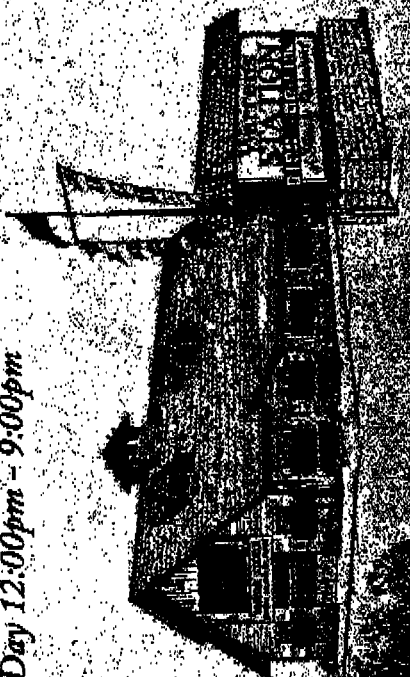
Food For Over 45 Years!

The entrees vary from fresh seafood to roast turkey with all the trimmings, including fresh vegetables and homemade desserts. Special children's entrees will carry out menu. Visa & Mastercard accepted.

Ready, Set, Go! Lunch & Dinner

Warren's Station 202-539-7156

www.warrenstation.com



To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell and myself to ask for your vote in the upcoming IRSD school board elections, to be held on May 13, 2008.

Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Blumling gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:

a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount. Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts.

To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell and myself to ask for your vote in the upcoming IRSD school board elections, to be held on May 13, 2008. Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Bunting gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:

- Ten Indian River schools have been rated as "superior" by the state of Delaware;
- Indian River's two high schools have been rated as "superior" by the state of Delaware;
- The district's third- and fifth-graders are rated first in the state in reading and mathematics;
- The district's eighth-graders placed third in math and fourth in reading in the state;
- Based on our outstanding DSTP performance, the IRSD has five National Blue Ribbon Schools;
- Frankford Elementary was recognized for the Intel Scholastic Technology award;
- North Georgetown and Long Neck Elementary Schools were awarded State Distinguished Title I awards;
- The counselor at Phillip Showell Elementary was selected as the Delaware Elementary Counselor of the Year;
- Indian River High School received a successful accreditation report from the Middle States Commission on Higher Education.

One legislator's remarks were, *"It takes several things to contribute to this type of success and one of those things is a good board making good decisions."*

The IRSD has shown great success; but we still have some challenges to address. One challenge is the financial situation the State of Delaware is in at the present time. The IRSD board of education has been asked to hit

a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount.

Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts. We feel there are other areas that can be cut in order to cover the required amount and we would be diligent in looking for these areas.

Another challenge is the issue of "the Board Prayer." Mrs. Mitchell and I stand firm on the IRSD board of education's ability to have prayer before each regular board meeting as has been the custom of our Board of Education for years. There are some candidates, if elected, who would vote to "just sit down and be quiet" and let such organizations as the ACLU intimidate the board into submission.

Mrs. Mitchell and I are law-abiding citizens; however, we have and will continue to vote to fight for prayer before board meetings until such time as the law prohibits such action. As of today, it is not unlawful to do so and we will fight to keep it that way.

Donna and I would like to thank the residents of the 5th voting district for the opportunity to serve these past years. We think our past records speak volumes of our ability to make good decisions for our students, staff and taxpayers in our district.

If you would like to have board members who are genuinely concerned with the education of our youth, as well as making sure we get the best bang for your hard-earned tax dollars, and members who will stand firm for our beliefs, then you need to re-elect Donna Mitchell and Reggie Helms to the IRSD Board of Education on Tuesday, May 13, 2008.

Remember, a vote for Helms and Mitchell is a vote for continued success.

Thank you and GOD bless the IRSD.

Reggie Helms

Donna Mitchell

PAID FOR BY THE CANDIDATES

TAB 18

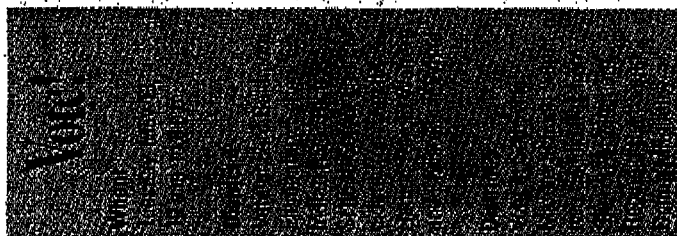
Coastal Point

May 9, 2008

Voters to elect school board members Tuesday

By Ryan Saxton
Staff Reporter

The Indian River School Board will be filling three seats next week in Districts 4 and 5, in elections on Tuesday, May 13.



Three candidates will contest for a term representing District 4: Harold I. Walters, Christopher A.

White, and incumbent board member Dr. Donald G. Hattier. Ballots can be cast by District 4 residents at Indian River High School, located at 29772 Armory Road in Dagsboro, or at Lord Baltimore Elementary School at 120 Atlantic Avenue in Ocean View.

Two seats are up for grabs in District 5, as Sharon L. Brittingham runs against incumbents Reginald L. Helms and Donna M. Mitchell. Voters residing in District 5 can vote for two candidates and should report to Selbyville Middle School at 80 Bethany Road in Selbyville to cast a ballot.

Donald Hattier

District 4

Q. In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

A. Reviewing and helping to decide on textbooks, curriculum, policies such as drugs, dress, advising and guiding the financial decisions, guiding building needs for the rapid expansion that we have in numbers of students over the last several years (over 1,000 since the year 2000), helping to assure traditional values don't get lost in the myriad of new educational ideas, and acting

as a liaison between the public and the schools, the administration and government in general.

Q. What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

A. My fellow board members and I worked for many months to get these policies approved. I feel that they give our students more flexibility than they have ever had, and certainly more than many school districts. All adopted policies are in line with existing federal case law on student and teacher rights.

All three seats (one in District 4 and two in District 5) have three-year-terms on the board, starting July 1. Incumbent Nina Lou Bunting was unopposed in her district and will be seated for another three-year term.

Friday, May 9 will be the last day that eligible voters can mail out absentee ballots. Voters must be a bona fide resident of the Indian River School District in the district in which they are voting, a citizen of the United States of America and at least 18 years of age. Proof of identity will be required at the voting.

Affidavits must have been submitted

Many Delaware school districts are now looking at the IRS D policies as models for themselves. For instance, a student can write about Jesus in our schools without being called on it and can do artwork with a Christian theme without the teacher being able to yank the picture, as has happened in another state recently (as reported on WND.com). For that matter, if a student independently of the district wants to offer a prayer at graduation, he or she can. The student has a right to free speech that cannot be infringed upon.

I think that while the suit is still active that additional changes are not a wise idea. Besides, after two years of work, these are pretty good as they are.

As to changing the school calendar, we as a board fought to keep the right to call these holidays what they are, Christmas and Easter Break (when it coincides with Easter; otherwise, it is rightly called a Spring Break). Congress breaks for

before absentee ballots can be mailed to voters, so those who have not already requested theirs will be unable to vote in this election.

The deadline to vote an absentee ballot in person in the Office of the Department of Elections is May 12 at noon.

In the Coastal Point's traditional question-and-answer series this week, each of the six candidates for the three available seats in District 4 and 5 weighed in on recent issues in the Indian River School District, including religion settlements and policies, funding and the upcoming current-expense referendum.

Christmas, as does every major legislature, and the authorization for the Christmas break was one of the first of many federal holidays that have followed. It was mentioned in the 1876 legislation that gave the day off. Our community has celebrated this as Christmas Break since time immemorial. Why does it need to change now? There is no legislation or court case that mandates this.

As to Easter items: Boy, what a snafu. It was never intended that all Easter-related items be eliminated. The e-mail from the superintendent was interpreted by each school somewhat differently and in the public's eye played out poorly. I understand this. However, when it takes a court case to determine that a school-sponsored Easter egg hunt is not religious but secular (this did happen in another federal district, went to two levels of court) it is understandable that

See IRSD Page A6

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A6

IRSD

Continued from page A2

we as board were extremely gun-shy. In the future, Easter and the bunny will be back, as before -- at least if I have anything to say about it. We have collected the data and cases needed to withstand scrutiny.

Q. How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doc" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

A. As you know, this case was separated into two parts, one policies, one prayer before the board. The Dobriches wanted us to sit down with their attorney and write policies, without us having an attorney as well. This was a non-starter. Second, the two main things that they asked for were to stop prayer at graduation, at least that type sponsored by the schools, and to stop pref-

erential treatment for the SMS Bible Club students. Both of these were changed with in three months (which is the time it takes to get policies changed per the operating laws on schools districts) and the Bible Club treatment was stopped within days of coming to the district's attention. They filed suit months after we made the changes.

As to accommodations, we did as they requested prior to the suit ever happening. Among other demands, the other side wanted was that our religion policies never be changeable. This would have tied the board's hands and was rejected. This whole issue would require a separate interview to go over completely.

The Indian River School District has opened their board meetings with a prayer to solemnize the proceedings since at least the early 1970's. More than likely, meetings before then did as well. It simply was not an issue in the earlier days, since the community as a whole supports the idea. I have a graduation booklet from 1936 and a Rev. Veith offered benedictions to the graduating class of Lord Baltimore High School. This was part of the fabric of the community and has been for many generations. Why

stop now?

I believe that there is a segment of the population that is trying to eliminate any mention of religion or prayer in our lives in general, and not just the schools. We have all been tolerant of other ideas, but that tolerance is now stripping us in our lives of the very things that our forefathers held dear.

I believe that what the board is doing is constitutional and would be recognized as appropriate by those that actually wrote the document as opposed to those people from today trying to reinterpret or redefine what the Founders meant. Why otherwise would the Founders have hired not one but two chaplains with in days of passing the Constitution and why did they not modify the Northwest Territory act to exclude teaching religion in schools?

That act was originally passed under the Articles of Conservation and specifically called on the schools to teach morality and religion. The first Congress reauthorized the bill without changing the language regarding teaching and schools.

Should the practice continue, yes. Should

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Coastal Point

May 9, 2008

Mom

Continued from page A5

Ann Marie, who, like Colleen, has the unique perspective of being something other than in the middle somewhere (in her case, the youngest), agreed.

"You can always turn to our mom for anything," explained Ann Marie. "Whether it be help on an English paper, her famous ice tea, or just someone to talk to -- I've been learning from my Mom all my life and continue to do so each day. She is an inspiration to me and to all my siblings. It's the little things she does to that make you feel special. One day, I remember, I received a postcard in the mail congratulating me on my A in Algebra.

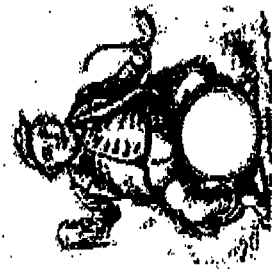
"Being a new mom myself," continued Ann Marie, "I hope I can someday be something like her. I remember her saying something funny one Mother's Day about it being like any other day, that there shouldn't be one special day to honor your mom -- it should be every day!"

So, as life comes full circle, with the births of as many grandchildren as children, I remember the hand-me downs and homemade cakes, and smile. I remember the stories of protests and the pickets, and I'm proud.

The fact the she had a life outside of our family taught us the importance of education and where it can take you. The fact that she baked those cakes from scratch taught us we have all the ingredients within us to live the life we want to live. The fact she bought those clothes that had been worn by someone else showed how to survive on little and what was really important in life -- family.

Life's lessons are simple. Who needs a

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IRSD

Continued from page A2

we defend this in court, yes.

Q. What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

A. • Operating initiatives: This is a must-pass for us. Since 2002, the state has eliminated a total of \$6 million from the school budget in our district alone. At the same time, salaries and other employment costs have risen dramatically. We have had to change and strip programs for years and with the new cuts (\$2.1 million for FY '08-'09, on top of the current already made cuts, with at least that in '09-'10 coming), we are going to be hard pressed to have money for programs and even to retain teachers. You can't keep cutting funding and expect the same good product.

The feds have also cut funding, while at the same time increasing mandates (No Child Left Behind comes to mind). Federal programs have been held at the same levels or cut every year since 2002. Our Hispanic population has increased from 1.7 percent in 1990 to over 19 percent now. We are not being given adequate resources to educate and bring many of those children up to the levels needed. The reality is that the state will not come up with full funding.

• Teacher salaries: Our teachers are the heart of what makes education in the Indian

River School District work. We are working hard at this time to just be able to keep the teaching force as it is given the above listed cuts. As you know the state is not giving any raises this year to anybody. We are trying to get a modest 2 percent increase to help with rising costs.

• Full-day kindergarten: All the research that I have seen indicates that full-day kindergarten will make a difference in the most vulnerable children that we have in the district. For those children this could make the difference between success and failure in life. Not all kids will need this, and for those children it ought to be a choice, and not mandatory.

Several of our local elementary schools have pilot programs which have done quite well as a choice, and if part one of this referendum passes, we ought to have the funds to continue those programs if and when the state discontinues their support. The state has tried to push this one off on the local districts financially since the idea first came up.

Having said that, the talk right now is that the state can't fund their side of the equation and this could be a moot point. We cannot afford it on our own. And even if the referendum question does pass, we would still be short several million dollars.

Should the residents pay for these: Good question. I feel that the state has a responsibility to fully fund their obligations. We are generally responsible for 35 to 40 percent. They really need to step up to the plate to fund us. However the reality is that they can't. In the meantime, we have children to educate. You have to have the funding from somewhere. This is the only method that we currently have available to ask for support.

Supposedly, the slots money goes to education; I think the promise was that it would supplement the money already given. In actuality it appears that they (the state) simply reduced the state portion by whatever the slots brought in and took that money for other projects, like the Indian River Inlet Bridge or extra road repairs in the northern end of Delaware.

We could have a tax increase on income, which is not good for the economy in general, or we could reappraise every house in Delaware and thereby generate millions as well. That, in particular, is a backdoor method where the public has no choice but simply gets stuck with a higher tax bill. At least with referendums, there is a vote and it is public. That is why I support what we are trying to do with this referendum.

If you or anybody else can come up with other ideas I am willing to listen.

On another note: The IRSD told the public in the 2000 and 2002 referendums we would modernize and rebuild our buildings, essentially all of them. We started with two new high schools for a total of around \$70 million, which included the sports field transfer of \$2.1 million in surpluses we had accumulated through careful investment (another referendum by the way).

Cape is building one high school for \$75 million just five years later. We built two for \$70 (million). And, yes, the state shorted us on that project as well. We had enough money in those referendums to refurbish, air-condition, technology update, plumbing change, rewire and just generally fix up virtually every building.

We are now down to three, Philip Showell, John M. Clayton and Frankford. Within three years, these will be finished as

well. This was something that was promised the public and the board has delivered. And, yes, the state shorted us there also. This is the largest total refurbishing project in IRSD history, totaling two new buildings, eight older buildings and new roofs on three buildings (which are under-budget at this time).

During that same time, we have some of the highest test scores in the state and have been recognized through out the United States as a good school district. The principal of Frankford, Duncan Smith, was selected several years ago to sit next to Mrs. Bush at the State of the Union address to represent the success in his building and the district in general, quite an honor for a small rural district. Our middle school, SMS is looked at as a model for other middle schools in the state. I could go on and on.

Q. What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

A. I have been on the Finance Committee of the IRSD since 2000. I was on that committee for two years before becoming a board member. I have learned more about school financing than I ever cared to know but had to learn it to make proper decisions. As a board member you can't just come up with ideas, you have to know how to pay for them and what realities there are.

When I first joined the board curriculum were not aligned through out the district which was true for most districts in the

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IRSD

Continued from page A7

state. I participated in that alignment process to where we are now standardized. We still have three buildings to finish and I have been in on that since the beginning. In the case of Indian River High School I was part of the advisory committee for science in the main design of the building.

I have been working for many years to increase participation in the music and arts programs, since research tells us that those kids in music do better on average than other kids. We need a better program in the northern end to complement the expanding band at SCHS. The program in the southern end is progressing better than it has in years.

Through the efforts of many people, supplementing the reading programs in our district has become a priority, one that is paying off in better scores and better educated students. I will continue to support and help find funding for them once the state pulls its support as it plans to.

We will be facing more growth in this district in the next three to five years. I have been part of the planning process for the last six years and, as part of a terrific board, have been able to guide and shape where we are now. No one board member can do much without the support of his/her fellow board members, but I have endeavored to work with, educate them and be educated by them in the needs of the district.

Lastly, I am about to graduate my first child from the IRSD. My daughter has decided to become a teacher as a result of her positive experience in this district. I still have three more to go. I feel passionately about public education and its benefits. I want the best for my children and by extension for everybody else's children as well.

Harold Wallace

purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

A. The role and purpose of the school board on a daily basis is to listen to the residents of the Indian River School District (IRSD) and address any of their concerns with members of the IRSD.

Q. What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

A. It is my understanding the district has made the necessary changes regarding the religion policy. I think the names of the proposed breaks should be universal throughout the State of Delaware public school system.

Q. How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doe" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

A. I don't have all the pertinent information to answer this question. Not having firsthand knowledge of the particulars of the case it would not be fair for me to judge either side.

Q. What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

in the state. I believe that everyone should help to pay for these initiatives. This is not limited to the taxpayer, the school district or the state. This should be a shared expense.

Q. What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

A. As a lifelong IRSD resident, a former IRSD employee and an alumni of the IRSD educational system, I believe I have the general knowledge of the community and the school system and will serve District 4 to improve the IRSD. My goals and priorities are to listen to the residents of the IRSD and make their voices heard.

Christopher White

District 4

Q. In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

A. In my opinion, the role and purpose of the school board or any public office is to be a voice for the people and do the right thing for the students of our district. Specifically, to be successful the board must enact worthwhile educational policies, ensure we have the best personnel to lead the district into the future, provide an optimal learning environment that helps each student succeed in their desired goal, be accountable for the decisions and policies we set and be vigilant with the fiscal policies. In summary, we can do the right thing

See IRSD Page A22

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funny one," gets serious when talking and I can only pray that I can be like her
about our mom. She said growing up in a when I 'grow up.' We love you, Mom!"
large family was like having "built-in
friends."

See MOM Page A6

PLEASE RE-ELECT

DR. DONALD HATTIER

Dr. Hattier has been on the Indian River School Board for the last 6 years and on the Finance Committee for the last 8 years. During that time the Board has renovated 8 buildings, built two new high schools, and is preparing to renovate two more schools and potentially build a new elementary school. At the same time, the

Indian River school system has been held up as a model of success in academic achievement throughout the state of Delaware. Our middle school achievements are being copied by other state middle schools. All of this while facing continuing budget declines. The experience I have gained in being on the board will be needed to face the upcoming budget challenges imposed on us by the state.

I have supported:

*Traditional community values, Including: Prayer before board meetings music & arts,
Adding extra teachers where needed, Teacher and leader development,
Continued ROTC presence in both high schools, Development of sports fields at the
new high schools, Development of practice fields for sports like soccer,
Ingram's Pond for environmental education, truly unique
Supported bus driver mileage increases at the state level,
Supported all day kindergarten as an option.*

I have four children in the district, by trying to get the best education for them,
I am also trying to get the best education for all other children as well.



RE-ELECT DR. HATTIER ON
MAY 13, 2008



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Coastal Point

A5

people wouldn't dream of starting your own master's degree with three kids in college, but she did it."

Karen Adams, the third oldest, has tender thoughts of being the "favorite," as we all know she is. (Just kidding — sort of...)

"Mommy used to say every family should have a Karen — this is when I was about 2 or 3, and I remember saying, 'But you would have the real one!' I remember giving her a hard time every time she would tell us she was pregnant again — but I am so glad she didn't stop at five or six kids. I wouldn't trade coming from a big family, [there was] always someone to play with or fight with or hang out with. Now that I am a mom, I can appreciate her even more — her energy and ability to love us all equally. I remember her taking five or six of us to church alone! Imagine. I love her."

Many of my sisters, now mothers themselves, shared that they can only now truly understand and appreciate all the sacrifices our mother made and all that she did for us. Debbie, who does not have children, said that being one of the older kids in the family has lent itself to giving her a better understanding and appreciation of the role of mother.

"Not having children myself, but being one of the older kids, I feel as though I had that experience [of taking care of children] and it never felt like a chore or like something you had to do to help out. You wanted to take the little kids to the park or play with them."

After the three girls were born, my parents had two boys in a row — something my mother always saw as a blessing, as they were followed by four more girls.

Brian Fleming, the oldest boy and fourth child, (and Kevin's brother, according to my grandfather — but that's another story) explained that my mom can only handle so much of us. And that she still, even though we are all adults, worries about our feelings.

"How about the other day, when she said, 'I love it when you are all here. Trust

me, I don't want it every day, but it is nice every now and again.' Now that is honesty, if not anything else! And, before, when she was talking about going on a trip with just Dad and she asked if that was selfish of them. For someone who has been so selfless all their life, she deserves a trip with just her husband!"

Kevin Fleming, "the middle child," put a new spin on what it was like growing up in such a large family.

"Having nine kids, Mom and Dad always made us feel important. It's nice to be in the spotlight as long as we weren't being held by the police or something," he said with a laugh. "The distraction of eight siblings certainly allowed you the freedom to be left pretty much alone. But they always seemed to be at important events or games even if there were seven other kids intow."

Amy Hobbs, the sixth child, and "the funny one," gets serious when talking about our mom. She said growing up in a large family was like having "built-in friends."

"I always thought Mommy knew everything. I'm still amazed now when I talk to her how much she knows! And no matter how bad something seems, if I talk to her about it, I feel better. Now a mother myself, I am increasingly aware of how much I would like to be like her. She's a great role model and someone I want to be when I grow up."

You've heard of the second and third child getting the shaft with picture-taking? Well, nobody even knows what Elizabeth Williamson, the eighth child, looked like until she was 3 years old, because there are no pictures to document her life until then. But she has found it in her heart to be forgiving.

"My mom is indescribable," said Elizabeth. "There aren't enough words. She is a wonderful woman, mother and role model to people everywhere — not just her family. Her love is unconditional and I can only pray that I can be like her when I 'grow up.' We love you, Mom!"

See MOM Page A6

PLEASE RE-ELECT

DR. DONALD HATTIER

Dr. Harrier has been on the Indian River School Board for the last 6 years and on the Finance Committee for the last 8 years. During that time the Board has renovated 8 buildings, built two new high schools, and is preparing to renovate two more schools and potentially build a new elementary school. At the same time, the

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IE CONTEMPORARY CRAFTS

FOR THE HOME

May 9, 2008

Coastal Point

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IRSD

Continued from page A60

productive citizens.

The prayer issue, the renovation program and the continued improvement of our test scores are some of the issues I would like to see to fruition. I would like to ask the residents of the 5th district of the IRSD to come out on the 13th of May to vote and if they think I would make a good candidate to continue on the IRSD board of education, I would appreciate their support.

Donna Mitchell

District 5

Q. In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

A. The role of the School Board is to set policies and act as a governing body to guide the district and establish a clear vision for the district's continuous improvement. The board acts as a liaison between the community that we represent and the administration that we are responsible to oversee. Our purpose is always to ensure that our children receive the best possible education.

Q. What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically,

was saddened that the Dobrich and Doe families felt they had to take such action against the district, especially since the board initially acted to address their concerns. I did vote to not accept the first settlement offer because there were so many demands that were unacceptable and would have hindered our ability to function as a school board. Eventually, a settlement concerning the first part of the lawsuit was agreed upon.

In retrospect, I am not so sure it was a good thing, because in my opinion this matter will never be resolved until it goes all the way to the Supreme Court. I say this because we still have teachers and staff who are fearful that anything they say or do could be misconstrued as insensitive to someone of another faith or culture. As for "The Board Prayer," I stand firm on our right to practice this time-honored tradition. We are an elected body and are afforded the same rights as our senate, congress and Supreme Court.

Q. What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

A. The decision to conduct a referendum was forced upon the board, due to the state's unfunded mandate for all schools to implement full-day kindergarten beginning September of 2008. This would require additional

time? What would be your goals and priorities as a board member, if you are elected?

A. Having served on the board for three years has given me valuable experience. During the last two years, I chaired the Policy Committee and attended all subcommittee meetings chaired by other board members, despite the fact that I was not required to be there. I consider it important to hear all dialogue brought to these meetings because I believe it helps me make informed decisions when voting.

For three years, I have also attended the state meetings and workshops in Dover, where I learn about upcoming issues and new programs in our state. For the last two years, I went to the National School Board

Conventions in California and Florida where I compared notes and gained valuable insight from board members of other states. The classes and workshops conducted by successful districts enable me to see possibilities for new programs and direction for the future of the Indian River School District.

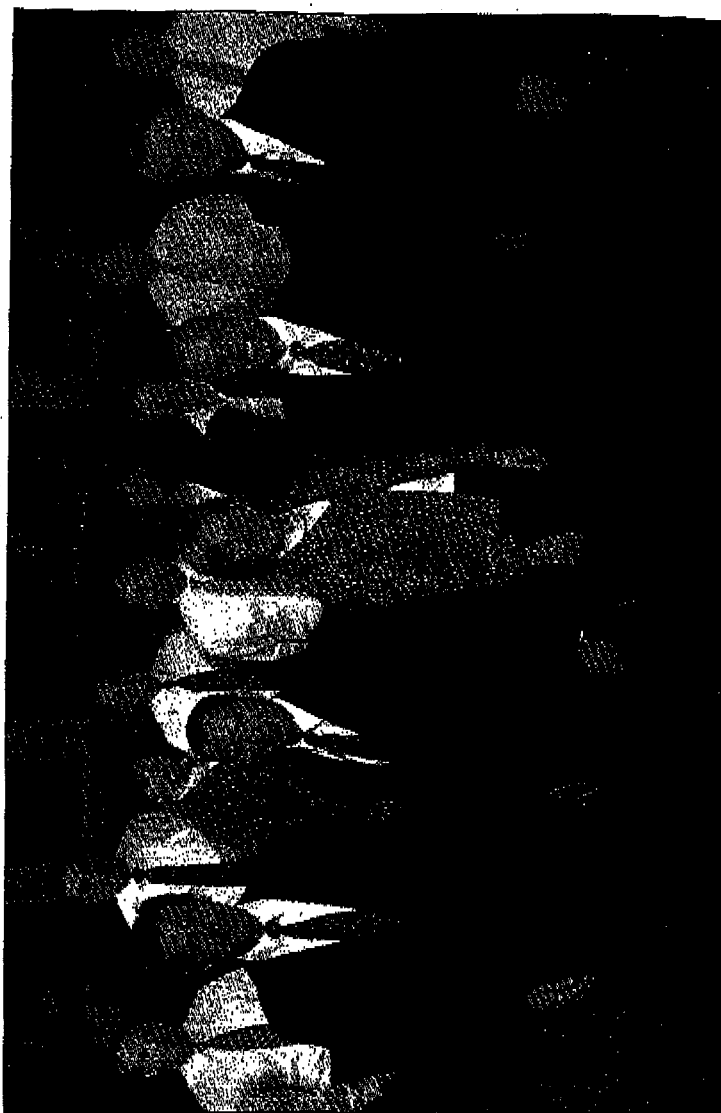
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Technology is necessary and we have to keep up if our students

are to compete in the 21st century. I am a firm believer that public schools should have a strong emphasis on the basic subjects, but offer other things as well, including sports, music, arts, science, history and geography. Physical education has been ignored, resulting in obesity, diabetes and health issues being an all-time high for young people.

Finally, I hope to see the state testing go by the wayside so our teachers can stop teaching to the test and have more time to work these other subjects back in. Our children need a well-balanced education.

These are some of my visions for the future and I am willing to work hard to help make them happen.



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Q. What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

A. As chair of the Policy Committee, I can assure you that many long hours went into revising areas of our religion policy. Always taking into consideration the advice of our attorney, we worked to make sure that we were in compliance with the law and also that we preserved our rights under the First Amendment. As far as I am concerned, we do not need to make any further changes.

Q. How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doe" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

A. I joined the board after the lawsuit had already been filed and

garden? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

A. The decision to conduct a referendum was forced upon the board, due to the state's unfunded mandate for all schools to implement full-day kindergarten beginning September of 2008. This would require additional classroom teachers and instructional supplies. Our district did not have the money to implement this program, so we decided to allow the taxpayers to choose if they wanted to fund it. I personally disagree with non-funded mandates.

Teacher salaries have been an ongoing concern. Indian River ranks very low on the pay scale and we often lose good employees to bordering districts who can pay more.

"Operating Initiatives" is an ongoing expense with many needed items. It would be wonderful if the state would fund these things, but the reality is the state continues to take more each year from us and yet expects more in return. All these initiatives are good and have merit; however, the reality is our district does not have the funds to support them. The referendum will bring these issues directly to the taxpayer, giving them the opportunity to decide which, if any, of these initiatives they are willing to support.

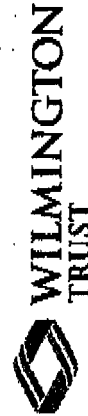
Q. What do you believe you offer as a potential member of the Indian River School Board at this

Lasting relationships are built on commitment.

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Joe Terranova
Real Estate Lending
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Katie Wilkinson
Commercial Banking
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Brian Bailey
Commercial Banking
302.651.1204

Rich Conway
Commercial Banking
302.651.1725

July 9, 2008

RSD**Continued from page A58**

I would be doing the school district and the community a serious injustice if I resorted to personal attacks on the board and as they handled a situation of which I was not involved. I do not have access nor did I have access to the particulars of the case. As far as I am concerned, the case is settled and it is time to move on. I can only thank "God" that the lawsuit has been settled. The district can focus its time and resources on educating our students. I think it is very difficult to be a board member and devote a lot of time to public service when one is second guessing your own actions. Again, I will second guess the current board.

As far as the board's right to

Indian River's starting teacher salaries rank eighth out of the nine Sussex County school districts. The lack of a competitive salary scale makes it difficult for the district to recruit and retain qualified staff.

While principal of Frankford Elementary, I personally witnessed the benefits of full-day kindergarten. The demands of No Child Left Behind and Accountability legislation require our students to be better prepared than ever. Full-day kindergarten provides students with accessibility to programs that can close the achievement gap for our at-risk students while providing enrichment and stimulating programs for our average and gifted students, which will enable them to better compete globally.

I also believe that the state must develop a plan that fully funds the school system. Districts are bombarded with state and fed-

Coastal Point

My goals and priorities:

- Support the learning and growth of our all of our students.
- Develop vocational education/apprenticeship programs in cooperation with local businesses.
- Develop internship programs in cooperation with various community agencies and local businesses.
- Support quality unique school programs (e.g. environmental, outdoor learning, vocational, creative arts, performing arts, agricultural, health care, early childhood).
- Anticipate growth and loss of student enrollment and plan accordingly.
- Support parent organizations at every school.
- Increase parent involvement.

and shared decision making.

- Build stronger parent-teacher relations.
- Ensure that money reaches the classroom.
- Explore creative methods of funding schools in light of recent budget cuts.
- Ensure equity for schools with the greatest needs.
- Develop policies and procedures which reduce lawsuits and litigation against the district.
- Recruit and retain quality educators.
- Ensure competitive salaries for all employee groups.
- Increase paraprofessionals and other learning support workers in the classrooms.

Reginald Helms**See IRSD Page A60****District 5**

Q. In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

A. The school board is responsible for setting policy, approving the district budget and approving or not approving recommendations from the administrative staff in terms of staff, curriculum, and program adoption for the education of our students.

REAL ESTATE AND CONTENTS

A60

IRSD

Continued from page A59

Q. What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

A. The Indian River School District Board of Ed is comprised of (10) law-abiding citizens, who take their responsibility

very seriously. When presented with the possibility our policies may not be "up-to-date" with current state and federal law, we investigated, formulated, and adopted new policies to bring our district into compliance.

We have been advised by our attorney(s) that we are in compliance with state and federal law. In the Dobrich settlement we stood firm on the issue of "Christmas break" and "Easter break" being placed on our calendars and on our school signs. As one member of the IRSD board of education, I will continue to stand firm on these issues.

Q. How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doe" families?

Coastal Point

Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

A. Contrary to the claims of alleged discrimination, when Mrs. Dobrich approached the board with her concerns, the board addressed her concerns and adopted new policies accordingly. In my opinion, the board acted responsibly and did exactly what a board should do. Perhaps the prompting by outside groups, the possibility of obtaining monetary gain, may have clouded the judgment on their part.

As one board member, my opinion is we should not have settled; but we should

have gone to court and let the courts decide the case. As it turns out, the district made a settlement with the Dobrich and Doe families, but we have not settled anything. There are people who are still unsure of what we should and should not do in the district.

[Should the board's prayer continue to be pursued in the court system?]

Absolutely! I believe in the freedom of religion; not freedom from religion. This is one issue I will stand up for and not waiver.

The practice of beginning our regular meetings with prayer should be continued for a very good reason. Whenever we enter into anything of great importance, we should invoke the wisdom and guidance of Deity. I am not trying to evangelize, or promote any religion; I am simply asking, in my case, for wisdom to make good and sound decisions for our district.

Q. What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

A. We are planning to adopt new curriculum, which in turn would require new textbooks and supplies. At the present time, because of all the givebacks the state requires, the increase in energy costs, we do not have the adequate funds for books and supplies.

In our district, we have some of the best teachers in the state, if not the nation. As well as anyone else, our teachers expect a yearly raise. The district, for the above reasons, does not have the adequate funds for staff raises. Each taxpayer will have to decide what they are willing to support and what they feel is excess.

Sometimes
improving your
house takes more
than duct tape.

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I voted to allow the public to tell me what they will support. As far as full-day kindergarten is concerned, I am not convinced this is really needed. There are as many opinions as there are stars in the sky on this issue. Once again, the public will decide if this is something they are willing to support.

Since I have been on the board, the state has continually sent down mandates; however they have not always been funded by the state. They expect each district to raise taxes by way of referendum to secure these funds. I personally do not agree with this philosophy. If the state mandates the programs, they should fund it also.

Q. What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

A. As a candidate for the IRSB, I bring to the table 17 years of experience. During my tenure, the IRSD has continued to improve in all areas of education. Our test scores and the many accolades that our students, teachers, and staff have received are indicative of the great things our district has accomplished. I have had the opportunity to serve the IRSD for these past 17 years and I continue to have "a servant's heart" and the willingness to help our students to be successful in their studies, and to eventually become positive and

See IRSD Page A65

4.99%


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May 9, 2008

IRSD**Continued from page A50**

productive citizens.

The prayer issue, the renovation program and the continued improvement of our test scores are some of the issues I would like to see to fruition. I would like to ask the residents of the 5th district of the IRSD to come out on the 13th of May to vote and if they think I would make a good candidate to continue on the IRSD board of education, I would appreciate their support.

Donna Mitchell

District 5

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was saddened that the Dobrich and Doe families felt they had to take such action against the district, especially since the board initially acted to address their concerns. I did vote to not accept the first settlement offer because there were so many demands that were unacceptable and would have hindered our ability to function as a school board. Eventually, a settlement concerning the first part of the lawsuit was agreed upon.

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Coastal Point

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Finally, I hope to see the testing go by the wayside. Teachers can stop teaching test and have more time to teach these other subjects back to children. We need a well-balanced education.

These are some of my vision for the future and I am willing to work hard to help make them happen.

To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell and myself to ask for your vote in the upcoming IRSD school board elections, to be held on May 13, 2008.

Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Bunting gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:

- Ten Indian River schools have been rated as "superior" by the state of Delaware;
- Indian River's two high schools have been rated as "superior" by the state of Delaware;
- The district's third- and fifth-graders are rated first in the state in reading and mathematics;
- The district's eighth-graders placed third in math and fourth in reading in the state;
- Based on our outstanding DSTP performance, the IRSD has five National Blue Ribbon Schools;
- Frankford Elementary was recognized for the Intel Scholastic Technology award;
- North Georgetown and Long Neck Elementary Schools were awarded State Distinguished Title I awards;
- The counselor at Phillip Showell Elementary was selected as the Delaware Elementary Counselor of the Year;
- Indian River High School received a successful accreditation report from the Middle States Commission on Higher Education.

One legislator's remarks were, *"It takes several things to contribute to this type of success and one of those things is a good board making good decisions."*

The IRSD has shown great success; but we still have some challenges to address. One challenge is the financial situation the State of Delaware is in at the present time. The IRSD board of education has been asked to hit

a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount.

Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts. We feel there are other areas that can be cut in order to cover the required amount and we would be diligent in looking for these areas.

Another challenge is the issue of "the Board Prayer." Mrs. Mitchell and I stand firm on the IRSD board of education's ability to have prayer before each regular board meeting as has been the custom of our Board of Education for years. There are some candidates, if elected, who would vote to "just sit down and be quiet" and let such organizations as the ACLU intimidate the board into submission.

Mrs. Mitchell and I are law-abiding citizens; however, we have and will continue to vote to fight for prayer before board meetings until such time as the law prohibits such action. As of today, it is not unlawful to do so and we will fight to keep it that way.

Donna and I would like to thank the residents of the 5th voting district for the opportunity to serve these past years. We think our past records speak volumes of our ability to make good decisions for our students, staff and taxpayers in our district.

If you would like to have board members who are genuinely concerned with the education of our youth, as well as making sure we get the best bang for your hard-earned tax dollars, and members who will stand firm for our beliefs, then you need to re-elect Donna Mitchell and Reggie Helms to the IRSD Board of Education on Tuesday, May 13, 2008.

Remember, a vote for Helms and Mitchell is a vote for continued success.

Thank you and GOD bless the IRSD.

Reggie Helms

Donna Mitchell

thing they want, from filet mignon to chops or seafood, and not fill up on any thing. It really allows people to try a variety of food without having to pay the high price for an entire meal."

Prices for tapas plates can start from to \$8 and run up to about \$14.

"I'm very excited about working tapas," said Strowles. "I haven't before, I've eaten a lot of them. The opportunity, somebody to come in and get three different plates of different kinds of food, instead of one, is a great concept. I think people enjoy coming in, sitting at the bar and playing some different tapas with a glass, two of wine, rather than sitting down having a heavy meal."

And if regular diners think they already have Sedona's wine selection down pat, they should think again. Parrott plans to bring some additions to the list.

"I'd like to eventually do some more special featuring and pairing with the wine too," she said.

Prior to Memorial Day, the restaurant will be open on Thursdays, Fridays and Saturdays, beginning May 8, and will have another new concept on Sundays: brunch. Doors will be open between 9 a.m. and noon on Sundays to cater to a morning crowd.

Memorial Day will kick off Sedona's fall week schedule, and it will run through Labor Day, with restricted seasonal hours to follow.

"We would like to stay open through New Year's week, too," Parrott noted.

Employment in the restaurant's dining area will stay largely constant, with family faces serving meals to customers. And those who like to stop in for traditional favorites, don't worry; those well-liked menu items will be back.

"We will still have our popular dishes like the ahi tuna, great pork chops and crab cakes, as always," said Parrott. "We just wanted to make sure we brought in some new things, too, which ought to be a good touch."

Parrott and Strowles plan to appeal to everyone who comes to town, not just the high-end patrons.

"Basically," he stated, "the menu will be little more in the price range of a lot of the customers. We want to accommodate more

TAB 19

INDIAN RIVER SCHOOL DISTRICT
BOARD OF EDUCATION REGULAR MEETING
TUESDAY, FEBRUARY 27, 2007 – 7:30 P.M.
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Charles M. Bireley called the Regular Meeting of the Indian River School District Board of Education to order at 7:30 p.m.

President Bireley noted that it is the history of the Board of Education at the beginning of the meeting to have a prayer, which is voluntary among the adult members of the Board, and that the audience is not required to participate. President Bireley then asked Mrs. Mitchell to give an invocation.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, (Dr.) Dustin D. Davis, (Dr.) Donald G. Hattier, Randall L. Hughes, (Mrs.) Donna M. Mitchell, (Dr.) Patricia S. Oliphant, Robert D. Wilson
Board Member Late: Reginald L. Helms (7:40 p.m.)
Board Member Absent: Richard H. Cohee

APPROVAL OF AGENDA

Regular and Executive - February 27, 2007

The following item was added to the Regular Agenda:

XIV. 8. Use of North Georgetown Elementary School Classroom by Sussex County Democratic Party – March 1 and 14, 2007 from 6:00 – 8:00 p.m.

It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (8-0).

PRESENTATION OF COLORS

The Sussex Central High School Army JROTC performed the Presentation of Colors.

APPROVAL OF MINUTES

Board of Education Regular Meeting Minutes – January 23, 2007
Board of Education Special Meeting Minutes – February 15, 2007

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to approve the minutes as submitted. The motion passed unanimously (8-0).

BOARD OF EDUCATION REGULAR MEETING MINUTES

February 27, 2007

Page 2

VISITORS AND STAFF IN ATTENDANCE

President Bireley and Dr. Bunting recognized and presented certificates to the following visitors for their accomplishments:

Michael C. Ferguson Scholarship Recipients (Dr. Bunting noted that a reception was held prior to the Board Meeting this evening to honor the Ferguson Scholarship recipients:

Maxinne Almine, Grace Belkot, Cameron Boucher, Abigail Buchler, Taryn Buck, Jarron Burton, Janeth Garza, Georgette Hattier, John Paul Jones, Ellen Joseph, Bryan Kaufman, Amin Lo, Ian Martin, Crystal Mihaylo, Stephanie Miller, Alyssa Murray, Leonardo Navarrete, Danielle Nobles, Amber Richards, Kurt Saunders, Brandon Shultie, Ryan Trager, Samantha West

State Football Coach of the Year - John Wells (SS)

Sussex County Elementary School Counselor of the Year - Cheryl Carey (PS)

Sussex County Middle School Counselor of the Year - Diane Twisselmann (SM)

OTHER VISITORS AND STAFF IN ATTENDANCE

Susan Bunting, Earl Savage, Janet Hearn, Sandy Smith, Patrick Miller, Celeste Tanner, Jay Headman, Charlie Hudson, Tracy Hudson, Greg Weer, Cliff Toomey, Gary Brittingham, Char Hopkins, Duncan Smith, Suzanne Tiemann, Loriann White, Mark Steele, Dana Goodman, Karen Ware, Bev Marvel, Emily Pettyjohn, Pamela Shockley, Jon Brittingham, Beth Booth, Julia Knopf, Cheryl Carey, Diane Twisselmann, Heather Clark, Tyler Wright, Russell Bell, Karen Oliphant, Carol Buchler, Sarah Betlejewski, Tina Lebron, Christine Clark, Donna Meade, Barbara Martin, Ian Martin, Dori Camper, Stephanie Miller, Anna Miller, Ken Miller, Georgie Hattier, Laura Hattier, Alyssa Murray, Anne Devine, Stephen Taylor, Tina Navarette, Amin Lo, Kathy Silar, Karen Pusey, Brad Budesheim

STUDENT GOVERNMENT

Tyler Wright, Treasurer of the Sussex Central High School Student Government, apprised the Board of events occurring at Sussex Central High School.

PUBLIC COMMENTS

Dr. Patricia Oliphant

Dr. Oliphant informed the Board that she attended the State Wrestling Tournament recently held at Sussex Central High School. She noted that she received several favorable comments regarding the professional manner in which the tournament was held. She also thanked Mr. Layfield, Mr. Shultie, Mr. Dondarski, and the members of the Wrestling Boosters Association for their efforts in making this tournament a success.

BOARD OF EDUCATION REGULAR MEETING MINUTES

February 27, 2007

Page 3

Randall Hughes

Mr. Hughes

Mr. Hughes congratulated the Ferguson Scholarship recipients for their accomplishments. He also extended best of luck to the Odyssey of the Mind Teams in the tournament to be held this weekend.

OLD BUSINESS

Major Capital Improvements

Progress Report

Mr. Weer gave the following progress reports:

Sussex Central High School

We are awaiting the report from EDiS on the roof leaks.

Indian River High School

We are also awaiting a report on the leaks at Indian River High School. The purchase order has been sent to Joseph Zimmer for the work on the ice storage tank, and we are awaiting a schedule for the work to begin.

Lord Baltimore Elementary School

The punch list work is essentially complete. The temporary boiler has been set up and is working. The new vault for the geo-thermal unit has been ordered.

Georgetown Middle School

A meeting is scheduled on February 28th with our engineers, mechanical contractors, and the Town of Georgetown to address the low water pressure in the building. There are still balancing issues that will also be addressed at this meeting. There are some issues with the electrical contractors and the cable TV system.

East Millsboro Elementary School

The counter tops are to be replaced during spring vacation. Minor punch list items are being addressed. There are a couple of issues with Delcard, but most of the electrical and mechanical punch list items are complete.

Millsboro Middle School

The mechanical, electrical, and plumbing rough-in work is moving forward. Boilers and chillers have been installed. Pipe testing is being done. The sprinkler contractor is a little behind schedule, and he has been put on notice to pick up the pace. Drywall and studs ceiling grids are going up. Structural steel is done on the second floor. Door frames are to be in next week. The elevator shaft is complete, awaiting the installation of power.

SDSA/IREC

The bid advertisements are out. There is a pre-bid meeting next week, and bids will be opened on March 22, 2007 at 3:00 p.m.

BOARD OF EDUCATION REGULAR MEETING MINUTES

February 27, 2007

Page 4

Phillip Showell Elementary School

At the Buildings & Grounds meeting, presentations were given on heating systems.

Long Neck and Selbyville Middle School Roofing Projects

Specifications are complete and bids are going out on March 2, 2007. A pre-bid meeting will be held on March 13, and bids will be received on April 5, 2007.

School Choice Applications

It was moved by Mr. Helms, seconded by Mrs. Mitchell, to approve the School Choice Applications as recommended. The motion passed unanimously (9-0).

Legislative Dinner Packet Draft

A revised Legislative Dinner Packet was distributed for review. Dr. Bunting asked that Board members contact her within the next week with any additions to the draft packet.

2007-08 District Calendar Draft

It was moved by Mrs. Bunting, seconded by Dr. Oliphant, to approve the 2007-08 District Calendar as submitted. The motion passed unanimously (9-0).

NEW BUSINESS

DSTP 2006 Science & Social Studies Scores

Sandy Smith reviewed the 2006 DSTP Science and Social Studies scores with the Board. She noted that there are some discrepancies in the Grade 6 Social Studies scores and revisions may be made.

Make-Up Day – February 7, 2007

President Bireley suggested that since there is a possibility for additional inclement weather days, discussion on the Make-up Day for February 7th be postponed until next month. It was moved by Mrs. Bunting, seconded by Dr. Hattier, to table discussion on the February 7th Make Up Day until next month. The motion passed unanimously (9-0).

COMMITTEE REPORTS AND APPOINTMENTS

Administrative Compensation Committee

There was no report.

Athletic Fields Oversight Committee

There was no report.

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Buildings & Grounds Committee

Mr. Helms reported that he was unable to attend the last Buildings & Grounds meeting. However, at that meeting, the following items were discussed:

Girls' Soccer at GMS

A request for the Sussex Central High School Girls' Soccer team to utilize the Georgetown Middle School field(s) was submitted to the Buildings & Grounds Committee should the field at Sussex Central High School be deemed unsafe to play on. It was noted that costs to maintain the Georgetown Middle School fields as well as the cost to transport students to and from Georgetown Middle School are issues to consider should this become necessary. However, at the present time, it appears as if the Sussex Central High School Girls' Soccer team will be able to play its games on the Sussex Central High School field.

GM Cafeteria Varnishing Change Order

Mr. Helms noted that the Buildings & Grounds Committee recommends approval of the proposal in the amount of \$10,206.25 to varnish the kitchen and cafeteria woodwork in the Georgetown Middle School Cafeteria to match the existing woodwork. It was moved by Mr. Helms, seconded by Mrs. Mitchell, to approve the recommendation of the Buildings & Grounds Committee. The motion passed unanimously (9-0).

North Georgetown Blue Ribbon Plaque

The Buildings & Grounds Committee recommends approval of the request to mount a plaque on the building recognizing North Georgetown Elementary School as a National Blue Ribbon School. It was moved by Mr. Helms, seconded by Dr. Oliphant, to approve the recommendation. The motion passed unanimously (9-0).

Security Instruments Proposal for MM and IREC

The Buildings & Grounds Committee recommended approval of the Security Instruments Proposal for Millsboro Middle School and IREC/SDSA. Mr. Miller noted that funds to cover the Security Instruments proposals would be taken from construction contingency and local monies appropriated for renovations. Mr. Helms, made a motion, seconded by Dr. Oliphant, to approve Security Instruments proposal for IREC/SDSA in the amount of \$62,895 and Security Instruments proposal for Millsboro Middle School in the amount of \$59,875. The motion passed unanimously (9-0).

Smartboard Electrical Change Order

The Buildings & Grounds Committee recommends approval of the H & A Electric Bid in the amount of \$9277 to install outlets in the classroom ceilings for the smartboards. It was moved by Mr. Helms, seconded by Mrs. Bunting, to approve the recommendation. The motion passed unanimously (9-0).

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Curriculum Committee

Mrs. Bunting noted that the Curriculum Committee met on February 12, 2007. The following topics were discussed:

- Literacy Leaps – Superstars in Education runner-up
- ELL students
- IRSD as a pilot for HHPD program
- Progress of the diploma bill (HB 18)
- March 2nd Inservice
- 2006 DSTP Science & Social Studies scores
- District calendar

The next meeting will be held on March 13 at 5:30 p.m.

DSBA Board of Directors Representative

Mrs. Bunting reported that the February meeting was canceled. The next meeting of the DSBA Board of Directors will be held on March 14th prior to the DSBA clinic workshop.

DSBA Legislative Committee

Mr. Bireley reported that the February 28th DSBA Legislative Committee meeting has been cancelled.

Finance Committee

Mr. Hughes reported that the Finance Committee recommended that \$56,700 be allocated from the Band Uniform Account for the purchase of band uniforms (125 uniforms, 3 drum major uniforms, and 30 band front uniforms) for the Indian River High School Marching Band. It was moved by Mr. Hughes, seconded by Dr. Hattier, to approve the recommendation. The motion passed unanimously (9-0).

Mary Bailey Scholarship Committee

There was no report.

Negotiations Committee

It was moved by Mr. Helms, seconded by Mrs. Mitchell, to table discussion on Negotiations until Executive Session. The motion passed unanimously (9-0).

Policy Committee

Mrs. Mitchell reported that the Policy Committee met on February 23, 2007 at IREC. The following topics were discussed:

- High school graduation and diplomas
- Honor Roll and weighted GPA's
- Make-up opportunities (deferred until later)
- Student supervision at athletic events

The next Policy Committee Meeting will be held on March 7, 2007 at 5:30 p.m.

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School Uniform Committee

Dr. Hattier reported that the School Uniform Committee was formed in September, 2006 for the purpose of identifying the following:

- 1) benefits that uniforms would bring to the Indian River School District
- 2) issues that would need to be dealt with should a school uniform policy be implemented
- 3) type of uniform - dress code versus strong uniform
- 4) how a school uniform policy would be implemented
- 5) distribution issues and suppliers
- 6) level of public support that would be available
- 7) legal issues that may arise
- 8) other issues

The first meeting of the School Uniform Committee was held on November 2, 2006. Advantages and disadvantages of implementing a school uniform policy were discussed. In January 2007, Dr. Kevin Carson from the Woodbridge School District shared information about Woodbridge's implementation of a school uniform policy. A survey/questionnaire was developed and sent home with our students in January. Out of 8100 surveys sent out, approximately 4500 were returned, which represented 55% participation. The survey revealed that 75% were in support of the implementation of school uniform, while 25% were against. The committee will move forward with developing a model uniform, as well as addressing timeline, supplier and legal issues. The next meeting will be held on March 8, 2007 at 7:00 p.m. at IREC.

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Dr. Bunting, Board Update

School Visits

Dr. Bunting reported that she has visited classrooms as well as participating in "I Love to Read Month" at several schools. She also attended basketball games, wrestling tournaments, the SDSA "Snow Biz" performance, and listened to original poetry at Sussex Central Middle School's "coffee house."

Curriculum Update

The Curriculum Update for the month of February was included in the Board Packet.

Support Services Update

The Support Services Update for the month of February was included in the Board Packet.

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Academic Achievement Banquets

Dr. Bunting recommended that two Academic Achievement Banquets be held due to the number of students involved. Sussex Central High School's banquet will be held on May 15 as noted on the calendar, and Indian River's banquet will be held on May 17, 2007. It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the recommendation. The motion passed unanimously (9-0).

Sussex Central Middle School Dedication Date - May 3, 2007

Dr. Bunting recommended that Sussex Central Middle School's Dedication be held on May 3, 2007. It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the recommendation. The motion passed unanimously (9-0).

Counselors Dinner

Dr. Bunting and Tracy Hudson attended the Kent/Sussex County School Counselors' Dinner on February 7, 2007.

Technology Awards Dinner

Dr. Bunting reported that she attended a Technology Awards Dinner at which Judith Loeber, Sussex Central High School art teacher, was honored for receiving an Art through Technology award.

Mid-Year Principal Conferences

Dr. Bunting reported that she has been conducting mid-year conferences with principals and central office staff.

FINANCIAL

Regular Invoices

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the payment of the Regular Invoices. The motion passed unanimously (9-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the month ending January 31, 2007.

Major Cap Financial Summaries

Mr. Miller reviewed the Major Capital Improvement Financial Summaries for the month ending January 31, 2007.

Major Cap Change Orders

Mr. Miller reviewed and recommended approval of the Major Cap Change Orders dated February 8, 2007 in the amount of \$228,707, and February 22, 2007 in the amount of \$68,664. It was moved by Dr. Hattier, seconded by Dr. Oliphant, to approve the Major Cap Change Orders as recommended. The motion passed unanimously (9-0).

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Major Cap Payment Voucher Authorizations

Mr. Miller reviewed and recommended approval of the Major Cap Payment Voucher Authorizations dated February 8, 2007 in the amount of \$177,292, and February 22, 2007 in the amount of \$1,153,800. It was moved by Mr. Hughes, seconded by Dr. Hattier, to approve the Major Cap Payment Authorizations as recommended. The motion passed unanimously (9-0).

Major Cap Final Payment Voucher Authorizations

Mr. Miller recommended approval of the Major Cap Final Payment dated February 7, 2007 to John L. Briggs in the amount of \$42,634.53. It was moved by Dr. Oliphant, seconded by Mrs. Mitchell, to approve the Final Payment to John L. Briggs as recommended. The motion passed unanimously (9-0).

Financial Position Report

Mr. Miller reviewed and recommended approval of the Financial Position Report, noting that this report is a requirement under Section 1507, Title 14, Delaware Code. It was moved by Mrs. Mitchell, seconded by Mr. Hughes to approve the Financial Position Report. The motion passed unanimously (9-0).

Governor's Proposed FY '08 Budget

Mr. Miller shared highlights of the Governor's Proposed FY'08 Recommended Budget with the Board.

COMMUNICATIONS

Use of Facilities

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 1 – Sundays, February 4, 11, 18, 25, March 4, 11, 18, 25, and April 1, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 2 – Sundays, February 25, March 4, 11, 18, 25, April 1, 2007 and week of April 9-14, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 3 – Sundays, April 29, May 6, 13, 20, 27, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Southern Delaware School of the Arts Cafeteria by St. John A.M.E. Church Women's Ministry - March 3, 2007 from 12:00 Noon to 4:00 p.m.

Use of Sussex Central High School Auditorium by Miss Delaware Organization – Saturday and Sunday, March 10 and 11, 2007 from 8:00 a.m. to 7:00 p.m.

Use of Indian River High School Gymnasium by Ocean View Church of Christ – Friday and Saturday, March 23 and 24, 2007 from 10:00 p.m. to 5:00 a.m.

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Use of Sussex Central Middle School Football Field by COPA Service General Soccer League – Sunday, February 18, 2007 from 10:00 a.m. to 5:00 p.m.

Use of North Georgetown Elementary School Classroom by Sussex County Democratic Party – March 1 and 14, 2007 from 6:00 – 8:00 p.m.

It was moved by Dr. Hattier, seconded by Mrs. Mitchell, to approve the eight Use of Facilities requests. The motion passed unanimously (9-0).

Field Trips

Overnight trip by Sussex Central High School JROTC – March 23-24, 2007 to Bethany Beach, DE

Dr. Bunting recommended approval of the field trip request. It was moved by Dr. Hattier, seconded by Mrs. Mitchell, to approve the field trip request. The motion passed unanimously (9-0).

PERSONNEL

Personnel Agenda, Personnel Addendum, Personnel No. 07-08 PER, Personnel No. 07-09 PER and Personnel No. 07-10 PER

It was moved by Mr. Helms, seconded by Mr. Hughes, to table Personnel Agenda, Personnel Addendum, Personnel No. 07-08 PER, Personnel No. 07-09 PER, and Personnel No. 07-10 PER until after Executive Session. The motion passed unanimously (9-0).

PUBLIC COMMENTS

Christine Clark

Ms. Clark expressed her opposition to the Indian River School District implementing a policy for school uniforms.

Donna Meade

Ms. Meade expressed her opposition to the Indian River School District implementing a policy for school uniforms.

Stephen Taylor

Mr. Taylor indicated that he was trying to understand the purpose behind the Indian River School District implementing a school uniform policy.

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EXECUTIVE SESSION

It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to go into Executive Session at 9:05 p.m. The motion passed unanimously (9-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Mr. Hughes, seconded by Dr. Davis, to reconvene in Regular Session at 10:10 p.m. The motion passed unanimously (9-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda and Personnel Addendum

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Personnel Agenda excluding the Assistant Boys' Baseball Coach at IRHS, the Head Girls' Tennis Coach at IRHS, and the Volunteer Assistant JV Baseball Coach at IRHS, and the Personnel Addendum including the Bus transfer from Harry Kitching to Glasco Transportation Services. The motion passed unanimously (9-0).

It was moved by Dr. Hattier, seconded by Mr. Hughes, to approve the Head Girls Tennis Coach at IRHS. The motion passed (8-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Dr. Davis, Dr. Hattier, Mr. Helms, Mr. Hughes, Mrs. Mitchell, Mr. Wilson

Abstained: Dr. Oliphant

It was moved by Mr. Helms, seconded by Mrs. Bunting, to approve the Assistant Boys' Baseball Coach at IRHS and the Volunteer Assistant JV Baseball Coach at IRHS. The motion passed (8-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Dr. Davis, Dr. Hattier, Mr. Helms, Mr. Hughes, Dr. Oliphant, Mr. Wilson

Abstained: Mrs. Mitchell

STUDENT HEARINGS

Student No. 07-25, Student No. 07-26, Student No. 07-27, Student No. 07-28, Student No. 07-29

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to approve the Hearing Officers' Recommendations on Student No. 07-25, Student No. 07-26, Student No. 07-27, Student No. 07-28, and Student No. 07-29. The motion passed unanimously (9-0).

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ADJOURNMENT

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to adjourn the meeting at 10:20 p.m. The motion passed unanimously (9-0).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "S. Bunting", written in a cursive style.

**Charles M. Bireley
President
Board of Education
Indian River School District**

**Susan S. Bunting, Ed.D.
Secretary and Superintendent
Board of Education
Indian River School District**

CMB/SSB;jlh

TAB 20

Isaacs, Mark, Dr. (Video) 10/18/2006 1:36:00 PM

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF DELAWARE 3 MONA DOBRICH and MARCO : C.A. No. 15-120 (J. 4 DOBRICH, Individually and : 5 as parents and next friend : 6 of ALEXANDER DOBRICH, : 7 SAMANTHA DOBRICH, JANE DOE : 8 and JOHN DOE, Individually : 9 and as parents and next : 10 friend of JORDAN DOE and : 11 JAMIE DOE, : 12 Plaintiffs, : 13 v. : 14 INDIAN RIVER SCHOOL : 15 DISTRICT, et al., : 16 Defendants. : 17 Videotaped Deposition of DR. MARK A. ISAACS 18 taken pursuant to notice, on Wednesday, October 18, 19 2006 at 1:36 p.m. at 31 Hosier Street, Selbyville, 20 Delaware, reported by Lorena J. Hartnett, a Registered 21 Professional Reporter and Notary Public. 22 APPEARANCES: : 23 THOMAS ALLINGHAM, ESQUIRE 24 RICHARD HORVATH, ESQUIRE 25 BRIAN LENHARD, ESQUIRE 26 One Rodney Square 27 Wilmington, DE 19801 28 Attorney for the Plaintiff 29 30 WILCOX & FETZER 31 1330 King Street - Wilmington, DE 19801 32 (302) 655-0477 33 www.wilfet.com</p>	<p>1 2 3 4 TABLE OF CONTENTS 5 TESTIMONY OF DR. MARK A. ISAACS: 6 Direct Examination by Mr. Allingham. 3 7 Certificate of Reporter 73 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p>1 2 3 4 APPEARANCES: (CONTINUED) 5 JARROD SHAU, ESQUIRE 6 Drinker, Biddle & Reath, LLP 7 One Logan Square 8 18th and Cherry Streets 9 Philadelphia, PA 19103-6996 10 Attorney for the Defendants 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>1 VIDEOGRAPHER: This is the videotaped 2 deposition of Dr. Mark A. Isaacs, taken by 3 the plaintiff in the matter of Dobrich et 4 al. versus Indian River School District, et 5 al.. Civil Action Number 15-120. The 6 deposition is taking place at 31 Hosier 7 Boulevard in Selbyville, Delaware, on 8 October 18, 2006 at approximately 1:36 p.m. 9 The court reporter is Lorena Hartnett 10 from the firm of Wilcox & Fetzer. My name 11 is Mark Buckmaster, a video specialist from 12 Discovery Video Services Incorporated in 13 association with Wilcox & Fetzer. Counsel 14 will now introduce themselves and the 15 reporter will swear in the witness. 16 MR. ALLINGHAM: Tom Allingham 17 representing the plaintiffs. With me is 18 Brian Lenhard and Richard Horvath. 19 MR. SHAU: Jarrod Shau representing 20 the defendants. 21 DR. MARK A. ISAACS, 22 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS 23 DIRECT EXAMINATION ON BEHALF OF THE PLAIN 24 BY MR. ALLINGHAM:</p>

Isaacs, Mark, Dr. (Video) 10/18/2006 1:36:00 PM

1 there is no dialogue that takes place between the
2 board.
3 Q. Fair enough, so that the public spoke about
4 this issue?
5 A. Yes.
6 Q. But the board members did not deliberate on
7 the issue in public; is that correct?
8 A. Right, correct.
9 Q. And the board members did not deliberate on
10 the actual board policy in public; correct?
11 A. Not that I recall.
12 Q. Do you recall that the board ever considered
13 the possibility of opening its meetings only with a
14 moment of silence, not a prayer?
15 A. I know that that was my suggestion.
16 Q. And was that a suggestion that you made in a
17 board meeting?
18 A. Yes. I think it was.
19 Q. Do you know at which board meeting you made
20 that suggestion?
21 A. No.
22 Q. Why did you make that suggestion?
23 A. That's my personal belief.
24 Q. Did you believe that a moment of silence

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1 would be effective to solemnify the proceedings?
2 A. Yes, I do.
3 Q. What was the response, if any, of the board
4 members to your suggestion?
5 A. It was heard.
6 Q. Did anybody say in words or substance, "That
7 suggestion is not acceptable to me"?
8 A. No, no, no. There wasn't a vote taken or
9 anything like that.
10 Q. No, sir, this is in the discussion of ideas
11 at the board meeting.
12 A. No.
13 Q. You offered the idea of maybe we could open
14 the meeting with a moment of silence?
15 A. Right. The only thing I would say is the
16 others said, "Well, I should have the right to do it
17 however I would like to do it, however I would like to
18 pray, it's my freedom of speech." I do recall that.
19 Q. And so the incorporation of not only a moment
20 of silence but also a prayer in the policy was
21 intended to preserve those board members' individual
22 freedoms of speech?
23 A. Yes.
24 Q. Did you ever see anybody leave the room when

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1 the -- Let me back up one second. After the policy
2 was adopted, it became the practice of the board to
3 read a disclaimer before the prayer was given;
4 correct?
5 A. Yes.
6 Q. At anytime after the policy was adopted, did
7 you see anyone upon hearing the disclaimer get up and
8 leave the room during the prayer?
9 A. Honestly, I never paid any attention. I was
10 reading.
11 Q. Working on board business?
12 A. Yes.
13 Q. Let me ask you a question about your
14 perception. Do you think it would be a difficult
15 thing for a student to get up and leave the board
16 meeting during the reading of the prayer?
17 A. I guess it depends on the student.
18 Q. Can you imagine that it would be -- Can you
19 imagine that a student would fear that that would
20 identify the student as a person who doesn't practice
21 a religion?
22 A. Not necessarily, because one could get up and
23 leave saying they had to use the restroom, so you
24 didn't always have to tack it to, unless you were

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1 there on every single board meeting, so I would say
2 there are mechanisms to get up and leave a board
3 meeting that you don't have to tack a particular
4 clause to it. There is plenty of opportunities to get
5 up.
6 Q. So you would agree with me that the
7 perception, if no explanation were offered of someone
8 who hearsay the disclaimer and gets up and leaves,
9 would be that that person affirmatively did not want
10 to participate in the prayer; correct?
11 A. Well, no, not necessarily. They could get up
12 to go to the restroom or something like that. You
13 know, I -- I mean if it was the same person over and
14 over again, then maybe yes, yes, but that particular
15 board meeting, no. I mean we have people getting up
16 and going out all the time, so.
17 Q. During the prayer?
18 A. Coming in the during, people come in.
19 Q. We talked earlier about the color guard
20 folks, the junior ROTC kids?
21 A. Yes.
22 Q. Realistically speaking, as a practical
23 matter, if they don't want to participate in the
24 prayer, they can't leave; correct?

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